

EXTENSIONS OF REMARKS

DETROIT'S SPARKY ANDERSON—HE'S JUST GETTING WARMED UP

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. PURSELL. Mr. Speaker, triumphant World Series pennants from 1935, 1945, 1968, and 1984 fly over Detroit's Tiger Stadium reminding fans of yesterday's Detroit Tiger conquests. But this summer, Tiger fans aren't dwelling on days gone by.

Under the direction of Manager Sparky Anderson, the Tigers are defying the dismal predictions of preseason critics and making the American League Eastern Division race one of the hottest in baseball.

After an abysmal start, Anderson's Tigers have muscled their way into contention going 34-18 in June and July. They are locked in a close, heated battle for first, with Toronto and New York, that may not be decided until the last out of the regular season.

Much credit for this comeback can be given to Sparky Anderson. He has masterfully meshed promising rookies like Matt Nokes, Jeff Robinson, and Mike Henneman with perennial Tiger stars like Jack Morris, Alan Trammell, and Lou Whitaker to make this club a contender and give it a sense of energy and excitement all its own.

Through his 17 major league seasons with Detroit and Cincinnati, Anderson has come to embody the belief that to persist is to triumph. His youthful exuberance, at age 53, is exemplified by his inability to give anything his undivided neglect.

Mr. Speaker, I would like to take this opportunity to share a charming article on Sparky Anderson by Richard Justice of the Washington Post. Justice paints a clear picture of the kind of man Sparky is—warm, funny, competitive, a winner. I urge my colleagues in the House, many of whom are also devoted baseball fans, to read it.

With Sparky Anderson at the helm, Tiger fans aren't dwelling on old championship pennants—they're dreaming of new ones.

[From the Washington Post, July 28, 1987]

DETROIT'S SPARKY ANDERSON—HE'S JUST GETTING WARMED UP

(By Richard Justice)

DETROIT.—Three years ago, Sparky Anderson was talking about retirement, about going back to his home in Thousand Oaks, Calif., working in his garden and staying close to baseball only through television and occasional trips to Dodger Stadium.

Why not? He'd spent 31 years in a uniform, and after the sting and embarrassment of being fired by the Cincinnati Reds eight years earlier, his 1984 Detroit Tigers were about "to take that monkey off my back" with a World Series championship.

He said, too, that 1984 "was my worst year personally. I knew we had a chance to win it all, and I became obsessed by it. I felt every loss was on me. We'd lose a game and I'd sit in the office and stare at the wall. One of the coaches would come in and say, 'Let's go have dinner.' I wouldn't go. I thought because we lost I couldn't even go eat."

"That goes back to what happened in Cincinnati. I've got as big an ego as the next guy and felt I just had to win it with another team. You win it in one place and maybe you'll get some credit. You win it in two places and it's yours, baby. But it was tough, and I remember telling Carol, 'If we win this thing, that may have to be it.'"

His wife advised him to wait a bit before announcing anything, and when he did he came back to her with some less-than-stunning news: He didn't want to quit.

"I don't think I ever will," he said. "But I did promise myself that nothing would ever eat at me like that season did. But, in the end, I didn't want to quit. This is my life. Now, they may call and tell me to go home tomorrow. Fine, let them do that. But quit? No."

So let's hit the fast-forward button to a clear summer afternoon in 1987, and Sparky Anderson hasn't yet retired. He's still the manager of the Detroit Tigers and, as he sits in a small neat office at Tiger Stadium before the all-star break, he's drinking coffee, tapping some sweetsmelling tobacco into his pipe and considering John McGraw and 2,840 victories as a manager.

"Connie Mack has [3,776]," Anderson said, "and that's out of reach. But McGraw . . . 2,800. That's possible. You know what I'd really like to do is win 3,000 games. That's a goal of mine."

He has figured all of this before and does so again. He began this season with 1,513 victories and, if he wins 95 this season, would need 16 more 87-victory seasons to reach 3,000.

A conservative man, he said, "You're looking at 17 seasons."

Are you looking at 17 more seasons?

He smiles.

"That's my goal."

These are the best of times for silver-haired George Lee Anderson, the times when he can remind people that only 11 men ever have managed teams to more major league victories and that there may be many more to come.

He has survived a game in which the burnout and firing index is high and, at 53, not only seems eager to get to the park "by 2 p.m. at least," but perfectly comfortable being one of baseball's few still-active living legends.

"It ain't the money," he said. "I don't spend much money, and what I have never changed me, anyway. I was raised in a poor family and was 35 before I made \$30,000. My life style is about what it always was."

He lives in the same Thousand Oaks home he and the former Carol Valle bought in 1966 "because we couldn't afford anything in the [San Fernando] Valley." He drives a midsize American-made car, and his hobbies consist mostly of late-night television and early-morning walks.

A conversation with him is still a romp through anecdotes, philosophies, double negatives and misplaced metaphors. If he isn't yet Casey Stengel, he's at least close, particularly the moment last year when he said shortstop Alan Trammell would have to play through a shoulder problem because, "Pain don't hurt."

He admits that, yes, he sometimes gets a little too excited about games or players, such as the time two years ago when he abruptly moved all-star second baseman Lou Whitaker to third because rookie second baseman Chris Pittaro "is the best prospect I've ever seen." A couple of days later, after Pittaro began to look like something less than the next Jackie Robinson, Whitaker, was quietly moved back to second and Pittaro eventually was traded.

"The worst mistake I ever made," he now says.

And there was the time in 1979 when he moved reliable starter Milt Wilcox to the bullpen, explaining that, "We're going to build this team around [Steve] Baker."

Wilcox asked, "Baker? You mean the one that's here now?" That plan eventually was scrapped, too.

He admits to all of it, to wanting to make stars of Pittaro, Rod Allen, Rusty Kuntz and Howard Johnson before their times.

"I am," he said, "observed with youth a little bit."

But if he does get carried away now and then, he has at least retained his enthusiasm, his love of the game and his ability to persevere where others have grown tired, bored and cynical.

"Yeah, I don't let it bother me like I used to," he said.

"We lose, 10-0, and people say, 'What are you going to do?' Well, what do you think? We're going to come back tomorrow and try again. Now, don't get me wrong. I do get upset. There's always going to be some idiot [player] walking through that door trying to ruin your day."

He can laugh at all of it now, the firing by the Cincinnati Reds after winning five division championships in nine seasons, the grueling wire-to-wire lead of the 1984 Tigers and the image of Sparky Anderson.

He once saw a reporter leaving one of his news conferences early and yelled, "Don't leave yet. I'm just starting to sling it."

He has a large picture of his granddaughter on his desk, and above his right shoulder another photo with the words, "Wanted for stealing pacifiers."

Next to it is a motto that reads: "Each 24 hours the world turns over on someone who is sitting on top of it."

At the moment, it doesn't appear the world is about to turn over on Sparky Anderson. Since winning that '84 World Series, his Detroit teams have had seasons of 84-77 and 87-75.

This year, picked by many to finish in the bottom half of the American League East, the Tigers are on a pace to win 96 games. It was Anderson who helped introduce players such as Lou Whitaker, Lance Parrish, Alan Trammell and Jack Morris to the big leagues in the late '70s, and this year's Tigers include members of another genera-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tion, one that will include catcher Matt Nokes and pitchers Jeff Robinson and Mike Henneman.

"I love this team," he said. "I love kids. We don't know how good we're going to be, but it might be better than people think. I wouldn't count us out yet. These kids are hungry, and they haven't been tarnished like some veterans. They want to learn. I'll tell you, I love having kids because, if you raise 'em right, they won't go bad on you. It goes back to the way you talk to 'em and treat 'em. If you see 'em starting to change, you get to 'em right away."

He called a Tigers-Reds exhibition game in 1986 and a conversation he had with Dave Concepcion, who had recently criticized Reds Manager Pete Rose for not playing him.

Yet the people who know him best aren't sure why he has succeeded. They say that, as far as strategy goes, he's something less than Gene Mauch. As a friend of the working player, he's not Lou Piniella or Roger Craig. And certainly players don't fear him as, say, the Seattle Mariners fear Dick Williams.

What then?

"I think his strongest point is that he gets together a group of people that get along," first baseman Darrell Evans said. "In the four years I've been here, that's the thing I've noticed. He'll scream occasionally, but not that often. I think his only rule is that he wants us to be on time."

Trammell added, "He's calmed down quite a bit since 1984, but don't let him kid you. The game is still his life. The big thing is that he's a good evaluator of talent. He assembles a team, then doesn't mess it up."

Another of his strengths is flexibility. He broke in just as the game was changing from total control by management to the players' union having more and more of a say. He leaves no doubt he's glad to see the power shifting back to management, but adds:

"There are a lot of things a million-dollar contract isn't going to change. They are still young guys searching for something. You see a guy go bad and it's just like he was a little boy again. Basically, you have to know these are good people. You have a few jerks, but those only mess up your day every once in a while. But think about it: How would the guy on the street react if he was given so much money at an early age? I think I wouldn't have been able to keep my senses, and I think it hurts the players. The one-year contract drives them, and I'm glad we're getting back to that."

"Some guys are still driven. I leave here late every night and guys like Evans and Trammell are still here talking the game. You have a lot of guys who can't wait to get out of here because they've got to go see their agent or their financial adviser or do a deal. That's what has changed. Players used to be clannish, have barbecues at each other's house and all that. Now, one lives in a \$600,000 house over here and another over there."

He says now he can even enjoy the travel. "Let me tell you about our trip to Baltimore," he said. "I love that Inner Harbor and, on our day off, I went over there and walked around and drank a beer. That night, I went back for dinner and ended up in Little Italy. Ain't that a great city? I love just sitting there watching people, talking to people, I love every city we visit: Kansas City, Oakland, Seattle, you name it."

A simple man who brags that he's "never read a book, for instance," he has become a

creature of habit, especially after games. He says he has probably had 25 postgame beers in his 18 seasons as manager, but that he's addicted to coffee and, recently, "ESPN and CNN. It's great because I never used to enjoy that stuff. I couldn't escape the game, but that has all changed."

He says he has even started enjoying the winters and that he and Carol spend a couple of days a week in Santa Barbara, Calif., "where no one has the phone number except the kids." And this winter, they're taking a cruise to Venezuela, and then spending a week at Disney World's Epcot Center with their granddaughter.

"It's like a whole new world for me," he said. "But I think I've finally learned how to enjoy myself."

ANDERSON'S RECORD

Year	Games	Won	Lost	Percent
Cincinnati:				
1970	162	102	60	.630
1971	162	79	83	.488
1972	154	95	59	.617
1973	162	99	63	.611
1974	162	98	64	.605
1975	162	108	54	.667
1976	162	102	60	.630
1977	162	88	74	.543
1978	161	92	69	.571
Detroit:				
1979	106	56	50	.528
1980	163	84	78	.519
1981	109	60	49	.550
1982	162	83	79	.512
1983	162	92	70	.568
1984	162	104	58	.642
1985	161	84	77	.522
1986	162	87	75	.537
1987	95	57	39	.594
Total	2,731	1,570	1,161	.575

IS ERICH HONECKER A MURDERER?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. MICHEL. Mr. Speaker, Erich Honecker, president of East Germany's State Council, and chief of the East German Communist Party, will visit West Germany in September. It should be recalled that the party headed by Mr. Honecker has for many years ordered that anyone attempting to escape from East Germany is to be shot. Despite this, thousands have tried to flee, some successfully.

The language of diplomacy, one part civility and one part hypocrisy, forbids us from using the blunt words usually applied to those who order the deaths of human beings for the supposed crime of wanting to live somewhere else. In fact, the language of diplomacy has deprived us of any moral vocabulary to describe, accurately and bluntly, the reality of Communist domination. We are left with innocuous phrases such as "our systems are different" and "we look at the world in different ways" and other such meaningless words that disguise the fact the Communists claim a total and unchallengeable right to rule because Marxists-Leninists alone know the secrets of history through what they believe are scientific means.

This means that Communist parties, in nations where Communists rule, are not one among many or first among equals but, in-

stead total masters of the destiny of those they rule in the name of Marxism-Leninism, a theory that is as despicable in practice as it is intellectually incoherent in theory.

The language of diplomacy has acted like a drug on the West, lulling us into a moral stupor from which we awake from time to time when Marxist-Leninist practice reminds us of what Marxist-Leninist theory really means. The Korean airliner's destruction—to use but one example—was horrible in and of itself—but the real horror was that such a brutal act can be traced, with iron logic, back to the Marxist-Leninist theory of total power. When President Reagan said the Soviet Union is "an evil empire," the outcry in the media and in certain political quarters was deafening. Yet no one bothered to ask the critics the essential question: With which word do you disagree, "evil" or "empire"?

It will be interesting to see how the visit of Mr. Honecker is treated in the world press. He will probably be greeted as a statesman who has the unfortunate, but understandable, little flaw of shooting innocent men, women, and children because they want to leave the country.

At this point I wish to insert in the RECORD, "West Germany Gets Ready To Welcome a Murderer," by Enno von Loewenstern, in the Wall Street Journal, July 29, 1987:

[From the Wall Street Journal, July 29, 1987]

WEST GERMANY GETS READY TO WELCOME A MURDERER

(By Enno von Loewenstern)

BONN.—The West German government has announced that the president of East Germany's state council, Erich Honecker, will pay a visit in September. This will be the first time that an East German chief of state enters West Germany. Mr. Honecker is also chief of the East German Communist Party. The Bonn government is immensely pleased with itself for having thus proved that the conservatives too can have good relations with the East. This explains why the West German government receives Mr. Honecker at all—why, in fact, it so desperately has striven to entertain the Soviet puppet who embodies East Germany's oppression.

How would Norway celebrate Quisling, were he still alive? West Germany, it seems, is different. The prevailing opinion in the West German press is that thou must not anger those who control the roads to Berlin and the destinies of 17 million Germans behind the Iron Curtain, that "dialogue" is good for its own sake, and that the Western politician who gets the most attention from communist dictators is best for peace and should get the most votes.

There used to be a time when West German politicians would say: If Mr. Honecker comes, he will "have to bring something substantial along." Some even would demand that he rescind the Schiessbefehl, the order to shoot all East Germans who try to escape to the West. But the things that Mr. Honecker now is expected to "bring along" could have been settled at a lower level—agreements on ecological questions or cultural exchange or the like. West Germany is to pay for the cleaning up of East German rivers, which will benefit West Germans since socialist dirt is flowing westward.

There is hope that Mr. Honecker will widen the "family visits" program so that East Germans who have no relatives in the

West may take trips to briefly sniff the air of freedom (under current rules East Germans traveling to West Germany to see close relatives for three to 10 days leave their own families in East Germany as hostages). But East Germans first would have to find somebody to invite them and pay the bill, as East Germany just has cut down foreign exchange for travelers to the West; each traveler gets only 15 West German marks (a little more than \$8) for the entire trip.

Mr. Honecker did announce an "amnesty." How many of the estimated 4,500 political prisoners in East Germany will benefit no one knows, since details will not be announced until September or October when Mr. Honecker is safely back in East Germany. He also announced abolition of the death penalty. But he stopped short of declaring that the death penalty for refugees, the Schiessbefehl, would be abolished or that the Berlin Wall would be torn down.

Thus, instead of having to make significant concessions, Mr. Honecker forced them upon his too-willing hosts. The oppressor of 17 million Germans will be received in Bonn, the West German capital, with (almost) full honors befitting a chief of state. This will make it extremely difficult for the West German chancellor, when returning the visit, not to go to East Berlin, which the East German government calls its capital city. A West German chancellor or federal president visiting the East German chief of state there would go far to undercut the Berlin status, the foundation of West Berlin's freedom. When former Chancellor Helmut Schmidt, a Social Democrat, visited Mr. Honecker in 1980, they met in a lodge on Lake Werbellin, outside Berlin's borders. The conservative Christian Democrats seem to have become less careful.

Chancellor Helmut Kohl will not remove his sofa as he did before receiving President Pieter Botha of South Africa. The idea was that he didn't want to be seen sitting down with Mr. Botha, a symbol of apartheid. The fact that Mr. Honecker embodies apartheid in Germany is not to be considered. But there is an even more embarrassing aspect to the matter: Mr. Honecker is, of course, a murdered, and so are his associates. They personally are guilty of the shootings at the Wall and elsewhere. There is a prosecutor's office in Salzgitter that collects data on crimes committed against East Germans. By rights, Mr. Honecker should be arrested the instant he steps on West German soil.

To avoid this, West Germany passed a law in 1966 to offer amnesty to East German leaders should they visit the West: at the time an "exchange of speakers" was envisioned. The East Germans protested against what they curiously called the "handcuffs law"; it was the opposite. It was dropped before East German Prime Minister Willi Stoph visited West Germany in 1970. Later the Supreme Federal Court ruled that chiefs of state have immunity anyway. So Mr. Honecker cannot be arrested if during his visit somebody is shot at the Wall, but the soldier who fires at Mr. Honecker's order could be arrested and tried here.

Mr. Honecker comes nevertheless because he wishes to impress the East Germans with the respect West Germans pay him. He does not feel compelled to pay an entrance fee in humanitarian coin, for his are loftier aims: furthering the cause of peace. He actually appealed to Chancellor Kohl "in the name of the German people" not to block nuclear disarmament by demanding some nuclear protection against Soviet conventional supe-

riority. The fact that French newspapers upon announcement of the visit promptly speculated whether it means that "Germany is drifting off to the East"—a subject dear to the French press and many French politicians—must gratify Mr. Honecker. The Kremlin marked the recent visit to Moscow by the president of West Germany, Richard von Weizsaecker, with solemn assurances that the Soviet Union of course does not aim to lure West Germany out of the North Atlantic Treaty Organization.

Tension in East Germany still is high, despite seeming normalcy. Several hundred thousand people openly demand permission to leave the "second German Republic" for good. Were they successful, innumerable others would seek to leave. People still risk their lives in spectacular escapes, climbing the Wall, braving mine fields on the borders elsewhere, sailing or even swimming the Baltic Sea, or hopping the Wall in flying machines. What if a refugee is shot at the Berlin Wall while Mr. Honecker steps on Bonn's red carpet? Or what happens if a new riot explodes such as the unrest of June 7 and 8, when thousands of young people were driven back from the Wall after they had pressed close to hear a David Bowie concert on the Western side?

There is even fear that many might descend simultaneously on the Wall, hoping that Mr. Honecker has ordered his border guards not to shoot during those three sensitive days. What if they do not shoot and there is a mass escape? What if they do shoot?

TIME TO RETHINK INDIAN AID

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FIELDS. Mr. Speaker, several of our colleagues have recently been calling our attention to the cooperative efforts of India toward the Soviet Union and its client, the Sandinista regime in Nicaragua. The question has properly been posed as to why the American taxpayers should be sending aid to our sworn enemies through the guise of foreign assistance to India. Mr. Speaker, at a time when Congress is so heatedly debating the sending of funds to the Nicaraguan freedom fighters, it makes no sense to send United States wealth to India so that it can help fund the Sandinista Marxists.

Mr. Speaker, I offer for the RECORD a recent policy paper upon this subject for the serious consideration of my colleagues. We should all be grateful to the National Center for Public Policy Research, and others, for bringing this issue before the public.

GANDHI SENDS MILLIONS TO SANDINISTAS AS U.S. AID TO INDIA INCREASES

India's Prime Minister Rajiv Gandhi showed his true colors recently by pledging to give \$10.4 million in financial assistance to the Sandinista regime—while many in his own country starve.

In light of the fact that Gandhi has expanded India's military and economic alliance with the Soviet Union, this assistance is not surprising. But what should concern Americans is that Gandhi's increasingly pro-Soviet stance and his generous aid to the Sandinistas comes at a time when the

United States is dramatically increasing aid to India.

In response to reports of malnutrition and starvation in poverty-stricken India (1984 per capita income was only \$240), Americans have dramatically increased aid to that nation in recent years. Since 1982, the United States has provided India with over \$1 billion in economic and military aid, with well over two-thirds of this in the form of grants. Over the next four years, the U.S. will be giving an additional \$600 million in direct aid to the Indian government.

In response to American generosity, Gandhi has shown his true sympathies by dedicating his nation to the Marxist-Leninist revolution in Nicaragua. During a recent visit to India by Sandinista dictator Daniel Ortega, Gandhi pledged \$10.4 million of financial assistance to the Sandinista regime, and called Nicaragua's foreign policy of exporting violent revolution into Central American democracies a "positive response" to Central American difficulties. Ortega, for his part, announced that he values the "deep and abiding links" between India and Nicaragua. The brotherly alliance between the two leaders was quite evident. Ortega awarded Gandhi Nicaragua's highest award, the *Augusto Cesar Sandino Order*, making Gandhi the sixth leader to receive it. Fidel Castro was the first.

Congressman Dan Burton has criticized Gandhi's aid to Nicaragua, saying, "Should we give massive foreign aid to countries that aid enemies of our friends and the United States? Of course, the answer is 'no'. That is unthinkable. We are giving them \$600 million, and they are taking our taxpayers' dollars and supporting a war against our friends down there."

Gandhi's announcement of the aid came only one day after the United States reiterated its accusation that Nicaragua was harboring terrorists. In fact, at the same time Ortega pinned the "Augusto Cesar Sandino Order" onto Gandhi the U.S. State Department was summoning Nicaragua's ambassador to formally accuse the Sandinista regime of planning attacks on American missions in South America.

This \$10.4 million in aid is not poverty-stricken India's first gift to the Sandinistas. In the past India has provided medicines and thousands of tons of wheat to Nicaragua, has provided managerial, technical, and material assistance to the Sandinistas in a variety of industries, and expanded cultural exchanges. For example, an Indian economic and technical delegation was recently sent to Managua to identify areas of cooperation.

In a recent letter to the House of Representatives, Congressman Dan Burton, Bill Cobey and William Broomfield said, "We must realize that, by this action, India is now a direct sponsor of Nicaraguan terrorism in Central America. As such, we cannot define a difference between our giving aid to the Indian government and our giving aid to Nicaraguan Communists..."

Gandhi has clearly aligned himself with the anti-American, anti-democratic communist thugs in Nicaragua. But his fraternal ties to Marxist elements go much deeper. Since taking power in late 1984 upon the death of his mother, Prime Minister Indira Gandhi, Rajiv Gandhi has expanded India's continuing friendship with the Soviet Union.

During a recent visit by Soviet dictator Mikhail Gorbachev to New Delhi, Gandhi praised Gorbachev as "the great and dynamic leader of a great and friendly country." During talks with Gorbachev, Gandhi

endorsed the Soviet view of United States' plans to defend itself with the Strategic Defense Initiative. Gorbachev's response was to pledge \$1.7 billion in new credits to India for financing a hydroelectric complex and other industrial projects. At the same meeting, the two signed a "Delhi Declaration" which called for total nuclear disarmament by the year 2000. According to Newsweek (December 8, 1986), "Gandhi's effusive reception of Gorbachev made it clear that despite the recent warmth in U.S.-Indian relations, the Prime Minister is determined to hang on to his friends in the Kremlin."

India's ties to the Soviet Union are nothing new. Military, economic, and cultural ties have increased since the signing of a 1971 friendship treaty. India's military dependence upon the Kremlin is especially alarming. Over 80% of Indian weapons are Soviet-made or produced in India under Soviet license. Soviet MIG-21 and MIG-27 fighters and the advanced T-72 tank are manufactured in India, and India has ordered 40 new MIG-29 state-of-the-art warplanes from Moscow.

The Soviet propaganda network within India is quite extensive. In the Indian capital, New Delhi, at least 500 Soviet officials operate. The Soviet embassy produces 48 publications in twelve of the languages spoken in India, and three Soviet radio stations broadcast in eight of the Indian languages. Furthermore, in the last 20 years over 400 Soviet university textbooks have been published in India. Gandhi has even sent his own children to study in the Soviet Union.

According to The Economist, Gandhi's government bears a remarkable similarity to that of the Soviet Union. On January 31, 1987, The Economist said "For [Gandhi's] purposes India is, almost as badly as Russia, a one-party state. As in Russia, the party does not want to change the old ways, because the old ways give its members their sense of self-importance, and often put money in their pockets too."

During a 1985 two-day trip to Moscow, Gandhi received an extremely warm welcome at the Kremlin. While there, he strongly denounced U.S. foreign policy, signed a major trade agreement with the Soviets, and attended a ceremony in which a Moscow square was dedicated to Indira Gandhi.

One can also clearly see just how anti-American India is by examining India's United Nations voting record. In 1985, India voted the same way as the United States 8.9 percent of the time. This is comparable to Libya's 6.9 percent, Cuba's 6.2 percent, and Nicaragua's 8.4 percent. Indeed, the United States received more support in the U.N. from East Germany, Mongolia, Uganda, and even the USSR than it did from India. As Congressman Burton noted, "Should we give aid to a country that votes against us continually at the United Nations? The answer is 'no'."

Gandhi has refused to condemn, and indeed defends, the Soviet invasion of Afghanistan. India is the only major noncommunist nation which maintains good relations with the Soviet-installed Afghan regime. India has endorsed as legitimate the communist puppet regime in Cambodia. Gandhi maintains full diplomatic relations with the terrorist Palestine Liberation Organization (PLO).

While graciously accepting millions of dollars in America aid, Gandhi has continually bitten the hand that feeds it. Not only has he increased his collaboration with the

enemy of freedom, the Soviet Union, but he promotes unrest and suppression in Central America by sending millions of dollars to the Sandinistas.

In the words of Congressman Bill Cobey, "India is giving economic aid to the Nicaraguan Government while completely ignoring the terror the Sandinistas are spreading in our own backyard. It is time that we end our aid to India until it stops supporting the spread of communism in Central America..."

JAN DOZIER: HUNTSVILLE'S FIRST ASTRONAUT

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLIPPO. Mr. Speaker, in June of this year NASA announced the selection of Dr. Jan D. Dozier as a candidate for America's astronaut corps. Jan is a resident of Huntsville, AL, and the first Marshall Space Flight Center employee to be selected for the astronaut program.

I want to extend to Jan and her parents, Bryce and Dolly Davis of Huntsville, my hearty congratulations and best wishes on being selected for this high honor. I know that her fellow employees at Marshall and the citizens of Huntsville are very proud of this achievement.

On August 7, Dr. Dozier will be honored by her hometown as they celebrate "Dr. Jan D. Dozier Day." She will also be the honoree at a banquet hosted by the National Space Club and the Huntsville Chamber of Commerce.

Jan Dozier joined NASA in 1979 and has worked on several projects managed by the Marshall Center including the Hubble space telescope, the advanced X-ray astrophysics facility, and the Shuttle Solid Rocket Booster Program.

Jan is a graduate of Huntsville High School. She received her B.S. degree in biomechanics from Georgia Tech, a B.M.E. from Auburn, a M.S.E. and a Ph.D. in mechanical engineering from the University of Alabama in Huntsville.

It is interesting to note that as a astronaut Jan may have the opportunity to fly a mission involving the Hubble space telescope, a project that she is intimately familiar with. She received the Marshall Center's Special Service Award for her outstanding work on the space telescope project.

For a young woman who was born in the space town of Cocoa Beach, FL, grew up in the space town of Huntsville, AL, and has already made significant contributions to our Nation's space program, to be selected as an astronaut candidate must be the ultimate in personal and career satisfaction.

I look forward to the day when the television picture from space shows Dr. Jan Dozier working diligently in the bay of the space shuttle as thousands of her friends and neighbors in North Alabama cheer our fellow Alabamian on.

It is every child's dream to be able to reach out and touch the stars. Jan Dozier's career must be one of the best examples for any child to follow if they want to make that dream a reality.

TRIBUTE TO THOMAS E. WHITECOTTEN II

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to an outstanding Missourian, Thomas E. Whitecotten II, of Jefferson City, who recently passed away. Tom Whitecotten was a truly remarkable individual whom I had come to admire.

Tom Whitecotten was one of the original members of the Missouri State Highway Patrol when the organization was created in 1931. Gov. Phil M. Donnelly appointed him to position of warden of the Missouri State Penitentiary and chairman of the penal commission in 1945. In 1953 he was appointed director of the department of corrections. He was employed also at the department of revenue. He was elected to the city council and served two terms. The Jefferson City Police Department building was named and dedicated in his honor in 1980.

Tom Whitecotten was a longtime leader in his community who devoted his time and energy to make the world around him a better place.

Mr. Speaker, I feel sure our colleagues join me in sending our sincere condolences to his loving wife Dee, son Lt. Col. Thomas E. Whitecotten III, daughter Mrs. Marilyn Finnical, Jefferson City, and his seven grandchildren. He will be greatly missed. I truly valued his friendship.

THE PRESENT STATE AND FUTURE OF AMERICA'S DEFENSE INDUSTRIAL BASE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Ms. OAKAR. Mr. Speaker, on July 8, the Economic Stabilization Subcommittee which I chair, began extensive hearings on the present state and future viability of America's defense industrial base. Our second hearing was held on July 28, and we have scheduled further hearings immediately after the August recess. While it is yet very early in our investigation, we have already uncovered some startling facts regarding the defense production process. I would like to share this with you:

The Department of Defense has concluded that American industry very possibly cannot respond to defense surge requirements in the case of emergency.

Existing military supplies are inadequate to meet defense needs—there is a substantial shortfall of supplies which could last until U.S. industry was converted from peacetime to emergency production capability.

There is an alarming degree of fragmentation of responsibility within DOD and the Government regarding our Nation's industrial preparedness plans.

There has been a steadily increasing procurement of weapons subsystem and components from overseas, and that this is primarily the result of price competition practices of both United States and foreign owned corporations.

Policies regarding defense procurement, the defense preparedness of our allies, trade and the balance of payments, leading edge research and development, and the need to maintain democratic freedoms and defense security often act at cross purposes in maintaining the viability of the U.S. defense industrial base.

Mr. Speaker, because of my concern with maintaining American democratic institutions, I am conducting exhaustive investigative hearings through the Economic Stabilization Subcommittee which I chair. I am loathe to delay, yet because of the importance of this topic, I believe that thoroughness is the only proper course of action. I will conduct hearings which provide a sober assessment of the entire problem which is being addressed here. We cannot rush to judgment or act in haste, as the consequences are far too costly. This is a big task and will require the utmost of cooperation in conducting this investigation which I have initiated. I formally invite my colleagues to join me in this endeavour. Specifically, I welcome Ms. KAPTUR's participation in the subcommittee hearings, and encourage her assistance in the hearing process. This, I believe, is the most productive way to develop the comprehensive appraisal which has begun. I have worked with Mrs. BENTLEY to guarantee that the American metal fastener industry remains strong and continues to grow on our shores, and I welcome further joint efforts of this nature in the future.

THE VII INTERNATIONAL SUMMER SPECIAL OLYMPICS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. COELHO. Mr. Speaker, Eunice Kennedy Shriver's work on behalf of the Special Olympics has helped to instill a sense of pride and self-respect to tens of thousands of people. Through her own belief in the abilities of the mentally retarded, Eunice has built the Special Olympics into an international program of love and sportsmanship, breaking down the walls of isolation caused by a disability. She has reached out to the mentally retarded, giving them the encouragement all of us need, but they often did not receive.

This week, the VII International Summer Special Olympics is taking place in South Bend, IN. The efforts of not only 1 million athletes, but also 500,000 volunteers, will culminate with these games, and the Washington Post's recent feature only begins to appropriately pay tribute to Eunice Shriver:

The article follows:

[From the Washington Post, Aug. 3, 1987]

EUNICE SHRIVER AND THE POWER OF THE
POSSIBLE

THE SPECIAL OLYMPICS FOUNDER, BREAKING
DOWN THE WALLS

[By Victoria Dawson]

It's Friday night in a small plane bound for Allentown, PA., and Eunice Kennedy Shriver is asking questions.

She wants to know about Jane Austen, though no subject, it would seem, could be less relevant to Shriver's immediate interests—Special Olympics and the mentally retarded—than a 19th-century English novelist.

But since her questions have brought her to her seatmate's favorite author, she wants to know: What was Jane Austen like? Was she the one with the nasty father? Were her books well received when she wrote them? The questions keep coming until, finally, an answer about "Persuasion"—that its heroine was deemed a "nobody" and a "nothing" by her family and her own selflessness—seems to satisfy her.

Shriver's lanky body sinks into a slouch. The briefing notebooks—filled with categorized information on the Pennsylvania Special Olympics, whose games she will visit in less than 12 hours—slide a little closer to the edge of her lap. Her right hand raps absently at the window. Several thousand feet above the ground and buckled in, she takes leave of the conversation and turns to stare out the window, into an empty darkness and an invariable silence.

She sits there, dressed in a white-on-blue polka-dot outfit, with little, lacy bobby socks creeping out of a pair of blue loafers. Bobby pins dangle in her tousled thick hair, loose and useless like so many extra twigs in a nest.

Long minutes pass.

"That's interesting," she says suddenly. "I find that very interesting."

"You see, that's how the children are—that's what happens to them," she says. "So often they are isolated and overlooked, even by their own families. Pushed aside by society."

She leans toward the floor, rummages through a bag, pulls out a black notebook and prints on the top of a page "Get Persuasion."

Ethel Kennedy, Shriver's sister-in-law, says "she's just got her own spin on everything. It's a little different from everyone else. Like putting a spin on a billiards shot." She is constantly splicing together the most unlikely subjects and ideas—mixing something that was squirreled away in her mind years ago with a new scrap of information: Jane Austen and the mentally retarded. Abigail Adams and young women of the '80s who whine about balancing family and work. Or "E.T." and the mentally retarded.

"E.T." I just loved 'E.T.', didn't you?" Shriver says. "After I saw it, I wrote to Steven Spielberg—to see if he would do a [television] spot for special Olympics. Because, I thought E.T.—you know, that's how the children are sometimes ignored. Hidden. People are ashamed of them."

THE GENESIS OF A CAUSE

Today Special Olympics is the world's largest year-round program of sports training and competition for children and adults with mental retardation. It reaches more than 1 million athletes, ages 8 and up, and is run by more than half a million volunteers. Shriver is its founder and chairman.

This week, during the VII International Summer Special Olympics Games in South

Bend, Ind., more than 4,500 Special Olympics athletes representing every U.S. state and more than 70 countries will compete in such sports as aquatics, basketball, bowling, soccer and softball. Last night's opening ceremonies will air tonight as a two-hour special on ABC.

But 25 years ago, Special Olympics was a back-yard summer camp with a three-digit enrollment. The Shriver, who married in 1953 when Eunice was 31, lived on a farm in Rockville—Timberlawn—that in 1963 became Eunice Shriver's camp for mentally retarded children. The numbers were humble: 100 high-school-aged volunteers; 100 mentally retarded children; "about five" paid instructors; a week-long training session; one swimming pool; sundry horses, dogs, fields and barns; and Shriver says, "just lots of fun things."

Sargent Shriver, first director of the Peace Corps and now president of Special Olympics International, says the purpose "was for my wife to see what the truth was. What were the facts? What could the mentally retarded do? In that time you had to see for yourself."

"So she tried everything. She had 'em on horseback, swimming, on a trampoline, shooting bows and arrows, climbing trees, building tree houses, playing tennis."

"It wasn't that she was sitting up there with a magic wand waving to everybody, 'Now do this! Now do that! She was out there. She'd be in the swimming pool, holding a mentally retarded [teen-ager] up to see whether she could teach him how to kick, how to swim. Whether she could get him through the water."

There were signs before Timberlawn that Eunice Shriver would devote herself to people with special problems. After earning her bachelor's degree in sociology at Stanford University, she worked first for the State Department reorienting American POWs after World War II, and later for the Justice Department as coordinator of the National Conference on Prevention and Control of Juvenile Delinquency.

But before all that there was Rosemary, three years older than Eunice and, as the family's euphemism goes, "slow to learn."

Edward M. (Ted) Kennedy, the youngest of the nine Kennedy children, remembers.

"It always seemed the Eunice reached out to make sure that Rosemary was included in all activities—whether it was Dodge Ball or Duck Duck Goose," he says. "Eunice was the one who ensured that Rosemary would have her fair share of successes."

Timothy Shriver, 27 and the middle of the Shriver's five children, says his mother—"always committed to the possible"—saw in Rosemary, now 68, "somebody who was succeeding, as opposed to somebody who was barely doing what she could with her limitations."

"I suppose," Eunice Shriver, 66, says, "the fact that I had seen my sister swim like a deer—in swimming races—and do very, very well just always made me think that they [the mentally retarded] could do everything."

But to draw a straight line from Rosemary Kennedy to Special Olympics—or even to the Joseph P. Kennedy Jr. Foundation for the retarded—is, according to Eunice Shriver, a mistake. It wasn't because of Rosemary, she says, "And I think that's important. Certainly, if you have a sister who learns slowly, you are obviously aware of certain things—insights that you wouldn't have if you never had a sister who is slow to

learn. But, would I have gone into this for her, and do I run around for her? No."

BATTERING DOWN BARRIERS

Working his way toward an explanation of Eunice Shriver's ability to see the positive side of retardation, Sargent Shriver says, "She just didn't believe that there were human beings who were as useless or hopeless or whatever the right word might be as the mentally retarded were thought to be 40 years ago."

But 40 years ago hopelessness was indeed the state of science. The goal of medical intervention, says Dr. Robert E. Cooke—a specialist in mental retardation and professor of pediatrics at the State University of New York at Buffalo—was "custodial care and keeping people moderately alive."

"When I was a medical student, which would have been in the '40s, the general teaching regarding the mentally retarded was that they all belonged in institutions," Cooke says. "Retarded people and Down's [syndrome] people were just not the sorts of individuals who could benefit from the usual social contacts."

"And the notion that a Down's individual could run or jump or do gymnastics or participate in sports was unthinkable. They'd die. Somehow, constitutionally, no way could a Down's person run a race, or run a mile."

Then there was the idea that losing and disappointment would not be good for retarded children. The mention of it brings Shriver to a simmer. "Yeah, well, I heard a lot of that," she says. "That's a lot of baloney. What proof have they got that as a group of people they can't take losing? Who? Where does it come from, that idea? Somebody cries because they lose? I can tell you 50 people who cry—I go and watch my own kids cry when they lose."

The change in attitude—the recognition of the value of competitive sports for the mentally retarded—has been, Cooke says, "just phenomenal. When you think it is expected that they can run, that they will compete, and that people are even interested in their [race] times—to a very large extent, this is Eunice's accomplishment."

GREAT EXPECTATIONS

Behind the accomplishment—be it Shriver's or a Special Olympics athlete's—is expectation. The word runs through Shriver's life, present at every chronological turn, threaded through what others say about her and what she says about herself. "There's no sense [with her] that you can't do something very important," says Sargent Shriver. "And the back side of that is that you are expected to do damn well. You've got no damned excuse not to do well."

"And the retarded—well, I think my wife just expected them to do well. There's no mollycoddling in her. That's true with our own kids and with the mentally retarded."

Nor was mollycoddling a part of her own upbringing. Achievement was expected: She was part of a financial and political dynasty—daughter of businessman and diplomat Joseph P. Kennedy and Rose Fitzgerald Kennedy; sister of President John F. Kennedy, assassinated in 1963, and Sen. Robert F. Kennedy, assassinated in 1968, as well as Sen. Edward Kennedy.

In Rose Kennedy's 1974 memoir "Times to Remember," Eunice Shriver describes an aspect of her childhood that Rose called "training them [the children] for excellence":

I remember she [Rose Kennedy] would take us ice skating in Bronxville, and you

just wouldn't go skating off into the blue yonder. She'd say, use your right leg or use your left leg better; again it was this terrific drive, she wanted everyone to do their best. There was quite a little pressure around. If you weren't doing very well there weren't any excuses for it. She'd say, you just get along there, don't be stupid about it, or something like that . . .

And she was always very energetic and expected us to be. Today, children stay in and watch television or listen to radio or records, but we were packed up and out we'd go, no matter what the weather was . . . so far as I can remember the first time in my life I ever stayed indoors was when I was in my thirties and had a baby and had to stay in. And I walked around in the hospital and thought, How odd, some people stay in and read all day . . .

Ethel Kennedy remembers a story about Shriver's drive to excel:

"Eunice prides herself on her sailing ability—she races. And one summer her boat wasn't going well. Like everything else she does, she got involved in it and she started to investigate. She climbed below [deck] and discovered heavy bricks in the bottom, beneath the floorboards—very, very heavy, like gold bars. She's so competitive that she probably thought—well, I don't know what she thought—that somebody was trying to sabotage her. Then and there, she threw the anchor overboard and she and the children tossed the bricks out of the boat. As it turned out, the bricks were the ballast."

"Later," Ethel Kennedy concludes, "she discovered that they were worth something like \$3.75 each—and the rest of the summer those children were seen diving for them."

THE PERSISTENCE OF VISION

She's impossible. Autocratic. Shy. The most interesting and exciting woman in the world. Funny, Difficult, Curious, Bright as hell, Irreverent, Spiritual, Eccentric, Sensitive, Insensitive.

People say the most contradictory things about Eunice Shriver. But on one thing they agree: She knows what she wants and she is relentless in the pursuit of it.

"She has a great sense of priorities in her life," say longtime friend Donald Dell, a Washington sports attorney who was Sargent Shriver's assistant at the Office of Economic Opportunity in the '60s. "Whereas most people worry about 'What should I do with my life next year?' and 'Where do I want to go?'—for Eunice all that stuff is stuff. With her it's family, religion and causes."

"She has through her persistence, strength and the fear she creates, driven people to participate who otherwise wouldn't have. They might not like it, but they are better for it," says David Burke, an ABC News vice president who formerly was administrative assistant to Ted Kennedy. He considers his own enlistment in her causes and laughs: "If I get to heaven, it will be because she drove me to it."

"Sure," says friend Ann Buchwald. "She's very bossy. Very determined. Hurries. And drops things. And says only the important things. Talks only to the important people. And why not? She has only a limited energy. If she could put 13 more hours into the day, she would. Meanwhile, she wastes not a minute."

Eunice Shriver operates with a kind of high-octane fervor. "We don't usually sit and talk," Deeda Blair says of her friendship with Shriver. "We would swim and talk while we were swimming. Or we would walk rather briskly and talk. Or we would be driv-

ing somewhere to see something and do something and talk along the way."

Even when she sits, she's always moving. Swiping at her hair. Batting the bangs out of her way. Gnawing at one finger or another. Attacking the cluster of diamonds and sapphires on her ring finger, twirling it around and around.

And when she's moving, she expects others to move. She still seems vexed, for example, by a Timberlawn camp episode: "We had a day for parents and they came and sat by the pool. They were supposed to play sports, but they all sat around the pool. I was so mad 'cause I wanted them all to participate. But they sat by the—I suppose it was their day off and they lolled by the pool."

THE CHEERLEADER

The 25-meter freestyle swim behind him, the Special Olympics athlete, wet and draped with towels, steps up onto a plywood box, throws a tightly clenched fist into the air and shouts, "Eat your heart out, Stallone!" And then he shouts again: "Eat your heart out, Stallone!"

Before him stands Shriver, ribbons dangling from her hand. "The gold one. The gold one," he says, swelling with adolescent pride. Shriver pulls out a gold medal and hangs it around his neck. "Here you go," she says. "Well done. Terrific."

The Pennsylvania Special Olympics summer games echo with Shriver's "Well done . . . well done." She spends the day—a dry, hot Saturday—roaming from pool to playing field, one minute handing out medals, the next sitting on the bleachers talking to a corporate sponsor, the next disappearing into a crowd of children. She smiles with them. Pats their arms. Urges them on. "You look in good shape." Is this your first gold medal? "Are you getting better?" "Practice every day." "Keep it up."

At the end of the afternoon, as she sits on a bench and talks to a softball player, one side of Shriver—restless, elusive and abrupt—gives way to another—calm, settled and delicate. "Do you read? Do you want to learn to read?" And Annie, an affable, red-haired young woman of almost 20 who pitches a mean softball, shakes her head, smiles and looks at Shriver.

"No," Annie says. She can't read. She doesn't know why not. She wants to, but she just can't.

"Do you read signs?" Shriver asks. "Do you know your address?" "Do you know what street you live on?" No, no and no.

Eventually Shriver, has, in her notebook, Annie's full name and, from another source, her address.

Annie has, from Shriver, the promise that she'll investigate the possibility of a tutor or a reading program, as well as a bit of advice: "What you oughta do," Shriver suggests, "is go home and memorize your address. If you said it to yourself five times a day, I betcha you could learn it."

ESTHETICS AND ESSENTIALS

Shriver, a devout Catholic, "would have made a wonderful abbess," Ethel Kennedy says.

"But she would have made a terrible cook," she adds. "She's totally oblivious to anything worldly. Sort of like Eleanor Roosevelt—she's into the world of ideas."

The esthetic expressions of self exist in her life like a necessary postscript, neither completely omitted nor completely incorporated.

Clothes, for example. "Her get-ups are beyond belief," Ethel Kennedy says. If

someone should register a comment or criticism, "she just looks at them like 'What are they talking about?' and goes on about her business."

And food. It's possible to spend a day with Shriver and see her nibbling at nothing more nutritious than a handful of graham crackers, cookies or bread—always in a kind of neutral, distracted manner.

"Lots of things that are terribly important to other people and that are life-enhancing, like delicious food and pretty flowers and well-organized households and that sort of thing—I guess Eunice likes all that, but she doesn't care about it intensely, in an obsessive way," says Deeda Blair. "You can go [over to the house] and things will be in wild disorder; and sometimes they will be spruced up and there will be a very pretty party. But nothing like that is terribly important to her."

Blair remembers visiting the embassy in Paris when Sargent Shriver was ambassador to France during the Johnson administration; "You'd walk in the front door and instead of being grand and imposing, it would be full of bicycles and motorbikes and skates and skis."

The tone was one of youthful, cluttered Shriver, vitality, Bobby and Maria, the two older children, were teenagers and scattered behind them in age were Timothy, Mark and Anthony.

And if, for a formal event, the skis and roller skates were temporarily contained in a closet, the children were not. Often, they were the life of the party. One reception Blair particularly remembers honored a group of African ambassadors. "All in these wonderful robes. And all these little children were going around, passing trays of hors d'oeuvres, sort of half of them falling off," she says, raising her arm and dangerously tipping an imaginary tray of food.

The Shrivens had put a trampoline in the embassy garden, she says. "And the children would pull and tug and get these African ambassadors to jump up in the air on the trampoline. It was absolutely so unconventional."

THE HAPPIER COURSE

"Let's face it," Ethel Kennedy says, "she would have made the best president of the United States."

"I mean," Sargent Shriver says, "she would have been a terrific United States senator."

"That's nice," she says quietly, when told of the many people who believe she could have held public office. "I think my brothers have done extremely well and enough. That's enough." She laughs lightly. "Enough," she says again.

"I really wanted to work with children," she says. "You can't do it—well, now, much more, because there are so many commitments, but you do an awful lot of other things. And I wanted to devote all my time to the children. In Congress, you have to do 50 other things before you get there, then once you are there, you have to do so much."

Then, almost inaudibly, she says, "But that's nice." What they said, she means.

And she squirms out of the thought: "I chose the happier course as far as my life—no regrets."

THE NO-NONSENSE HOSTESS

Art Buchwald most admires the hostess in Eunice Shriver—the woman who "throws people out of the house at 10 o'clock because she's tired and she wants to go to bed."

Donald Dell laughs and talks about "the old coffee trick": At the conclusion of dinner, Shriver announces that coffee will be served in the living room. The guests file in, the maid serves the coffee, and everyone asks "Where's Eunice?" Eunice, of course, has gone up to bed.

Her finest party-ending moment may have been during the mid-'50s in Chicago, where Sargent Shriver was managing the Merchandise Mart, one of the Kennedy family holdings. It was, as former ambassador William McCormick Blair remembers it, the Shrivens' first formal party:

"We all got there promptly," Blair says, "No Eunice, as I recall. Or Sarge. That's often the way. They were busy doing useful things, and she'd been working all day on some important project."

"Finally they came. And we had a wonderful dinner and evening. After dinner—it couldn't have been much after 10 o'clock—Eunice kept saying to me, 'When is everyone leaving?' I said, 'Well, Eunice, this is a black-tie party. It's your first party. Everyone is having a good time. It's a wonderful dinner. And people don't go home, usually, until around 11.' She sort of rolled her eyes at that."

"Finally, in a loud voice, she said, 'I've got a wonderful new game to play.'"

"Everybody looked horrified. Eunice likes playing games—charades. But this wasn't going to be charades. She said, 'Everyone stand up and close your eyes and put your hands on the shoulder of the person next to you. Then we'll all start marching. Going round in circles.' We all started and the next thing we knew, she said, 'Now you can open your eyes.'"

"We were all standing out by the elevator. And she said, 'Good night.'"

A TRIBUTE TO CARLOS AND NORMA LONG

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. PURSELL. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mr. and Mrs. Carlos Long of Clayton, MI. On September 4, 1987, they will be among 11 families honored at an induction ceremony for the Michigan Farmer's Hall of Fame.

The Michigan Farmer's Hall of Fame was founded in 1982 to honor farmers for the contributions to their community and to Michigan's proud agricultural industry. Just after they were married in 1939, the Longs began farming on a small piece of rented land in Oakland County. Through their hard work, patience and perseverance, they purchased this land and eventually bought the 510-acre dairy farm they now operate in Clayton. In addition to caring for 75 registered holstein cows plus 125 registered heifers, they crop 500 acres of land growing wheat, oats, corn, and alfalfa.

Despite the demands of farm and family, the Longs have been leaders in their community. Carlos was an active member of the Michigan Milk Producers Association and an ASCS committeeman. He also served as president of the Oakland County Farm Bureau for 2 years. His wife, Norma, was instrumental in establishing her local 4-H Club and was a

volunteer at her local hospital for several years.

Both Carlos and Norma are active members of their local Methodist Church.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating Carlos and Norma Long and offer them warmest wishes for good health and success.

HUMAN RIGHTS, THE CONTRAS AND THE TRUTH

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. MICHEL. Mr. Speaker, we hear quite a bit about human rights violations in Nicaragua. But only one side of the battle allows an objective, serious, rigorous and honest outside group to investigate allegations of human rights abuses. The democratic resistance in Nicaragua, unlike the Communists they are fighting, allow members of the Nicaraguan Human Rights Association to monitor their activities, to investigate allegations and to question prisoners.

The United States Department of State recently published a brief study that outlines the work and the goals of the Nicaraguan Human Rights Association. I believe our colleagues should learn more about this organization.

At this point I want to insert in the RECORD, "Human Rights and the Nicaraguan Resistance," a publication of the United States Department of State, June 1987:

HUMAN RIGHTS AND THE NICARAGUAN RESISTANCE

A cadre of combatants from Nicaragua's internal resistance is being selected and trained to accompany resistance fighting forces into the war zone to report and investigate human rights abuses, particularly any committed by the resistance. The Nicaraguan Human Rights Association (ANPDH), headed by Nicaraguan human rights activist Marta Patricia Baltodano, is responsible for investigating alleged abuses and instructing members of the resistance in proper human rights conduct.

From 1979 to 1985, Baltodano served on the staff and, later as director of the Permanent Commission on Human Rights (CPDH) in Nicaragua, which brought international attention to Anastasio Somoza's human rights record and which today register more than 80 alleged Sandinista cases of violations each month.

On March 19 at a Nicaraguan Democratic Forces (FDN) base camp along the Nicaraguan/Honduran border, Baltodano counseled some 20 men in human rights reporting. Each delegate was to accompany a task force of 150 men into the war zone. "The primary role you will play is to make sure that human rights are not abused and that those 150 men will behave in a proper fashion," she said. "When there is an abuse, you will inform your commander and us."

Some 61 of the 80 resistance task forces now have human rights activists permanently assigned to them, according to ANPDH Washington representative Jose Antonio Tijerino.

ANPDH was created in October 1986 with funds appropriated by the U.S. Congress

and made available by the Department of State through periodic grants. Congress appropriated \$3 million for human rights activities in response to allegations of human rights violations committed by soldiers of the Nicaraguan resistance, known as the "Contras," fighting for democracy.

In December 1986, the association began human rights training for military commanders and unit human rights representatives, or activists. Seven southern front commanders, eight platoon leaders, and 36 activists attended a 2-day seminar. In early 1987, the association held a seminar for 32 Miskito Indian military commanders in the Honduran Mosquitia; instructed 76 northern front activist candidates in international humanitarian law, the laws of war, human rights, and procedures for taking accusations; and gave similar classes, including a 4-day seminar, for some 170 Miskito Indian combatants.

"Our role is not simply to report violations, it is to establish mechanisms so that violations will not occur," says Baltodano. "In addition, our job is very difficult because we are trying to provoke a change in human rights behavior within a guerrilla force, not a regular army."

Sailing has not always been smooth between the ANPDH and the resistance. In May, the ANPDH was temporarily asked to leave the FDN base camps on the Honduran/Nicaraguan border after commanders complained that ANPDH observers were interfering with combat operations.

Since then, relations between the association and the FDN have been reinforced with a clearer understanding of the association's need to continue investigations.

A practicing attorney with more than 10 years' experience in human rights, Baltodano is also a Nicaraguan refugee forced into exile in December 1985 by the Sandinistas.

She is the first to admit that the resistance does not have a perfect record in human rights, but also is quick to expose the skill with which alleged violations are exploited by both the Sandinistas and their sympathizers. "I think there have been some abuses of human rights by the FDN," she admits, "but up to this point, I don't have any indication that this was a pattern of instruction or political policy of the FDN."

She claims, however, that a number of the alleged incidents of human rights violations by the resistance were actually set up by the Sandinista Front of National Liberation (FSLN), which rules Nicaragua as a totalitarian state. "Refugees have repeatedly told us how the Sandinistas will militarize a civilian target. They will establish a military command center within an agricultural cooperative, but will also locate a clinic or school within the cooperative. They give arms and uniforms to the *campesinos* (peasants). It becomes difficult for the guerrilla forces to determine at what point this is a military target or civilian target. This is an important point used by the Sandinistas to show that the contras attack civilian targets."

Baltodano notes that although public international opinion concedes that the Sandinistas commit human rights abuses, the Sandinistas have been able to sell the idea to the public that the resistance commits violations more brutally and as a matter of deliberate policy. "The Sandinistas have learned how to manipulate the human rights concept to get to power and how to manipulate it to remain in power," she says.

The Sandinistas claim, however, that were it not for U.S.-backed resistance, political repression would be unnecessary.

"So why are there contras?" Baltodano responds. "The contras were not created by the United States. Even without U.S. assistance, there would be contras. The fathers of all contras are Marxists. Everywhere there is a Marxist regime, there are contras."

The ANPDH's close ties with the Nicaraguan resistance has drawn considerable criticism from groups opposed to U.S. policy toward Nicaragua. The association also has been accused of being in the pocket of U.S. policymakers because it is financed by the U.S. Government. Baltodano herself has been the target of bitter criticism.

She counters, "The United Nations and other organizations also receive funds from the United States but are able to maintain their status as independent entities."

"Because we are receiving part of the assistance voted for the contras, that identifies us a lot with them, even though we don't want to be. Another thing that makes us look close to the contras is precisely that our work is with them," she notes.

"However, we are not an organization like Amnesty International. Rather, we are an organization that, within a movement that has political and armed characteristics, is trying to institutionalize mechanisms that will eventually mean reducing human rights violations and promoting human rights within the organization."

The association does this by monitoring military action, instructing the troops in the Protocols of the Geneva Convention, and investigating human rights abuses.

"If the violation was committed, then we make sure there is a hearing, sanction, and condemnation of those who have violated human rights. Also we are trying to update and put into use a code of conduct and fortify the judicial mechanisms that each troop has for the trial and the foundation of military courts," she explains.

The ANPDH has recently completed investigations on three out of six major cases of alleged resistance violations. The cases involved forced conscription of Sumo Indians, the execution of Sandinista soldiers in the Nicaraguan village of Cuapa, and the kidnapping of Nicaraguan Mennonite youths.

In the Sumo case, some 18 Nicaraguan Indian refugees were psychologically pressured into joining an independent guerrilla band, although some of them say they joined voluntarily. The band was organized by a former FDN Indian combatant. The ANPDH report was given to the U.N. High Commissioner for Refugees in Honduras and the FDN military prosecutor.

In the Cuapa case, patrols from the FDN Jorge Salazar Command were charged with entering Cuapa in August 1985, allegedly executing 11 Sandinista soldiers and one civilian night watchman. The ANPDH investigation established that FDN patrols captured 12 Sandinista soldiers on August 2, 1985. Of those, four joined the FDN. The ANPDH heard testimony that the rest were taken to a nearby hill and shot. The results of the recently completed investigation have been turned over to an FDN military prosecutor.

In March 1986, the Mennonite Central Committee claimed that the FDN kidnapped four Nicaraguan Mennonite youths. The ANPDH found no evidence that any of them were kidnapped by the resistance. Two voluntarily joined the FDN, and the other two are reportedly in refugee status in Honduras.

The association is concluding investigations into other allegations such as the El Nispero case involving civilian casualties by resistance forces. In addition, the ANPDH has received more than 30 denunciations from refugees and citizens still inside Nicaragua against Sandinista human rights abuses. These have been turned over to the Inter-American Commission on Human Rights, Amnesty International, and Americas Watch.

Inquiries into Sandinista abuses require coordination with outside human rights monitors since the Sandinista government has denied the ANPDH access inside Nicaragua. This denial has made investigations of resistance violations difficult as well.

Baltodano worked on an informal basis with the Permanent Commission on Human Rights while attending the Universidad Centro-americana. "When the Sandinistas took power, it was very strange to me that the office still had so many human rights cases before it. They [CPDH] asked me to join it in a formal fashion. I thought a couple months would be sufficient to complete the work," she says. "I became aware that human rights violations were not the result of an abrupt change in government. It appeared it was a pattern of conduct or a policy of the new authorities."

In October 1985, Baltodano left CPDH to attempt to create a human rights office within the Catholic Church.

"The [Sandinista] government impeded the creation of this organization within the Church. They confiscated the office, documents, funds, and started to persecute the people involved in that," Baltodano declined to make public some of the events that transpired because, she says, doing so would demoralize the victims and cause serious repercussions.

In December 1985, Baltodano went into exile. (Sharon Isralow is the editor for the Office of Public Diplomacy in the State Department's Bureau of Inter-American Affairs. This report is based on a recent fact-finding trip to Central America.)

ADOPTION OF THE KENNEDY PLACE HOUSING PROJECT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FIELDS. Mr. Speaker, on July 23, 1987, President Reagan presented the 1987 awards for private sector initiatives. On this occasion, 100 businesses from around the country were honored for outstanding achievement in volunteer service and community outreach programs.

The President's Citation Program for Private Sector Initiatives was established in 1984 to recognize exemplary community involvement projects sponsored by businesses, trade associations, and professional societies. All private sector initiative projects qualifying for the citation program are eligible to fly the program's symbol—a red, white, and blue C-Flag bearing the slogan "We Can—We Care." The C-Flag identifies the organization as a contributor to the American spirit of volunteerism and community action.

Each year, President Reagan presents 100 citations for private sector initiatives to the

outstanding entries in the citation program. An awards committee, consisting of leaders from the business and association communities, reviews the entries and selects the top 100 programs for Presidential recognition. I am pleased to announce that a company located in my district, the Eighth Congressional District of Texas, was selected for recognition.

In 1984, Brown & Root, Inc., of Houston, TX formed a partnership with the city of Houston and the city's private sector initiative group to develop plans for a massive clean-up effort of Kennedy Place, a public housing project. The goal of the program was to remove dangerous buildings and trash from the housing development and to make the area a clean and safe place in which to live and work. To date, 35 unsafe buildings have been demolished and 183 truckloads of trash and debris have been removed from city streets and privately owned lots.

Vernon Black, manager of housing and conservation for the city of Houston recently commented on the Kennedy Place Housing Project. He said, "Demolition of so many dangerous buildings in one area in such a short period of time is unprecedented."

I would like to extend a personal thank you to Brown & Root, Inc., for playing a key role in this worthwhile community endeavor.

W.C. HANDY MUSIC FESTIVAL

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLIPPO. Mr. Speaker, I rise today to join my colleagues in cosponsoring House Concurrent Resolution 57 which designates jazz music as a national treasure, and to call attention to the 1987 W.C. Handy Music Festival taking place August 2 through August 8 in the Shoals area of north Alabama.

William Christopher Handy, a pioneer in jazz music, was born in Florence on November 16, 1873. W.C. Handy's musical interests began early. He saved money for a guitar, only to be told by his father, a minister, that he must trade it for something useful—a dictionary. The trade was made, but soon saved enough money for a cornet. Then, at every opportunity he studied and played music. To support himself, he tried foundry work, school teaching and, finally, he formed his own band.

By 1902, the man destined to become known as the "Father of the Blues" had moved to Memphis where a song he wrote for a mayoral campaign became "The Memphis Blues." His 1914 "St. Louis Blues" is probably most widely recognized in its military marching band arrangement by Glen Miller during World War II.

W.C. Handy's determination and his incredible talent allowed him to produce more than 100 songs, form a music publishing company, and inspire thousands of musicians. From his humble birth in a log cabin in Florence, AL, W.C. Handy went on to become an accomplished musician with worldwide admiration. When Handy died March 28, 1958, the world mourned the loss of composer, musician, publisher, and friend.

Each year the Shoals area honors W.C. Handy by holding a week long festival, bringing thousands of visitors from all over the United States as well as many foreign countries to north Alabama. Events include jazz concerts, special tours of the W.C. Handy Home, and a songwriters conference. This week the W.C. Handy Festival proudly celebrates a truly American form of music.

Jazz is indeed a national treasure, a quintessentially American art form. Events such as the Handy Festival and this congressional resolution give jazz the widespread recognition and appreciation which it deserves. Jazz is an important part of our 20th century culture and history.

Jazz musicians such as W.C. Handy, Charlie Parker, John Coltrane, Dexter Gordon, Theolonius Monk, Miles Davis, Louis Armstrong, Duke Ellington, Charles Mingus and others gave special contributions not only to music but also to American heritage. We celebrate them as great musicians and especially as great American musicians.

The hard work of the people involved in the planning of the W.C. Handy Music Festival has given the event the status of a national tourist attraction. Each year more people participate and more events are scheduled. The festival has been listed in several national publications and selected as one of the top 20 festivals by a panel of independent judges acting for the Southeast Tourism Society in Atlanta.

More important than the W.C. Handy Festival's value as a tourist attraction is the tribute which it pays to American music. This week jazz will be played live in music halls, theaters, parks, clubs, streets and sidewalks of the Shoals area. The joyful spirit shown by the people who come together to honor W.C. Handy is one which I think my colleagues in the House hope to foster through House Concurrent Resolution 57, and I am happy to join them as a cosponsor.

A TRIBUTE TO COL. JAMES McBRAYER SELLERS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. SKELTON. Mr. Speaker, on August 22 a Shrine ceremony will be held at Wentworth Military Academy in Lexington, MO. The activities will include the induction of 20 candidates into the Shrine and then an hour long parade. This ceremony is being held in honor of Col. J.M. Sellers, an outstanding Mason, Missourian, and American. I would now like to tell you about this true American patriot.

James McBrayer Sellers was born on June 20, 1895, in Lexington on the campus of Wentworth. He graduated from Wentworth in 1912, then continued his education at the University of Chicago, from which he graduated Phi Beta Kappa in 1917.

Upon graduation he was commissioned as a second lieutenant in the U.S. Marine Corps. He served as commander of the 78th company, 6th Marines, American Expeditionary Force in France. Colonel Sellers' decorations

for valor include the Distinguished Service Cross, the Navy Cross, the Silver Star, the Purple Heart, and the French Croix de Guerre. He remained in the USMC Reserve until 1945 after leaving active duty in 1921.

From 1922 to the present he has occupied various positions at Wentworth. He served as commandant from 1922 to 1928, executive officer from 1928 to 1933, and superintendent from 1933 to 1960. Since his semiretirement in 1960, he has continued his duties at Wentworth as president and chairman of the board. At age 92 he still comes into the office every day and even teaches a Latin class.

Through the years Colonel Sellers has been very involved with the Masons and the Shriners. He served as worshipful master of the Lexington Lodge No. 149 in 1939; as high priest in Lexington Chapter No. 10 in 1940; as commander of the DeMolay Commandery No. 3 in 1941; as grand commander of Missouri in 1951; and as grand master of the Grand Lodge of Missouri in 1953.

Colonel Sellers was married to the former Rebekah Evans in 1924. The couple raised three children: Steven W., James McBrayer, Jr., and Fred Evans. Along with his many other activities, he has served as a president of the Association of Military Schools and Colleges, and as an elder of the Presbyterian Church in Lexington.

Mr. Speaker, I feel certain that the Members join me in paying tribute to this great public servant and educator who has made his mark on the lives of thousands of people. His life has been and continues to be an example to all who meet him.

URGENT REFUSENIK APPEAL FOR ELBERT FAMILY OF KIEV

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. LOWRY of Washington. Mr. Speaker, I wanted to let my colleagues know about an appeal that I will be making on behalf of the Elbert family of Kiev. Lev and Inna Elbert and their son Carmi are longstanding refuseniks who have faced repeated harassment as they have sought to rejoin their relatives in Israel.

A new, potentially hopeful development has taken place in their case. Lev recently met with a Foreign Ministry official, Arkady Shuvayev, who told him that the reason for denying the family exit visas—Lev's alleged exposure to state secrets—"does not exist." This marks the first official recognition of Lev's repeated insistence that he was not exposed to secret information.

Mr. Shuvayev also said that there was no reason why the Elberts should not be allowed to leave the Soviet Union. He indicated that their case would be referred back to the Ukrainian OVIR office in Kiev for a ruling.

Under the circumstances, a new congressional appeal on behalf of the Elberts may be effective. Accordingly, I plan to send the following telegram to the Ukrainian OVIR office. Because a decision is thought to be imminent, I will send the telegram late Thursday, August 6.

VLADIMIR SIFAREV,
Ukrainian OVIR, 34 Bulvar Shevchenko,
Kiev, Ukrainian S.S.R., U.S.S.R.

DEAR SIR: We, the undersigned Members of Congress, urge you to grant exit visas to the Lev Elbert family of Kiev to implement immediately the Foreign Ministry decision to let them leave the U.S.S.R. and rejoin their family abroad in keeping with the Helsinki Final Act.

Thank you for your attention to this request.

Many Members of Congress have participated in earlier efforts to help this deserving family. I hope that many of my colleagues will be able to join me in this latest urgent, humanitarian endeavor on their behalf.

A REMARKABLE PERSON

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Ms. OAKAR. Mr. Speaker, I rise today to honor Capitol Hill's premier lobbyist, Evy Dubrow. Over the past 30-odd years, Evelyn Dubrow has walked the Halls of Congress on behalf of the International Ladies Garment Workers Union. She is a staunch advocate of workers' rights, but has always tempered her arguments with liberal doses of good will. That good will has made her welcome in every office and the most effective voice for her many causes.

The New York Times paid tribute to Evy Dubrow in a glowing article last week. It is heartening to read that there are still those message-bearers and cause-carriers left for whom we can all have respect.

I have known Evy Dubrow for many years and respect her not only as a lobbyist, but as a woman who has defied many odds to attain the status she commands today. She worked on Capitol Hill long before the women's liberation movement and long before women were allowed to be anything else but clerical help. Evy Dubrow has made a career out of "bearding the lion in his den," so to speak, and in the process has advanced the issues she represents and the cause of women everywhere. My hat is off to Evelyn Dubrow as a lobbyist, woman, and friend.

The following article appeared in the New York Times last week:

[From the New York Times, July 27, 1987]

A CAPITOL HILL LOBBYIST EVERYONE LOVES
WASHINGTON, July 26.—One person on Capitol Hill gets to share the Congressional doorkeepers' chairs outside the House of Representatives chambers, a good spot to catch the eye of an arriving or departing member of Congress.

Evelyn Dubrow and no one else.
No one protests. This 4-foot 11-inch lobbyist for the International Ladies Garment Workers Union who began roaming the halls of Congress 29 years ago seeking support for a \$1 minimum wage, and who still troops Capitol Hill in her size 4 shoes, has earned the privilege. Besides, explains a staff member in the doorkeeper's office, "Everyone loves Evy."

Everyone knows Evy. Senators, Representatives, Aides, Receptionists. The Capitol Police. In fact, the former Speaker of the

House Thomas P. O'Neill Jr., the man who asked the doorkeepers to give her their seats, still keeps in touch with her.

Ms. Dubrow has been on Capitol Hill longer than most other lobbyists and most members of Congress. She will not, under any circumstance, say how old she is, only: "I will admit to being a senior citizen." She still works 15-hour days, still attends as many as a half-dozen political receptions in a night, still managed to meet with 30 senators on a recent day and still declares she is never going to give up lobbying "as long as I can stay on my feet and as long as my head is somewhat in the right place."

HER CAUSES AND OTHER TASKS

At the moment her causes are a bill to broaden laws against housing discrimination, legislation to bar discrimination in federally financed programs and, especially, a provision of the trade bill that would help protect the country's textile, apparel, shoe and copper industries from unfair competition by imports.

But other tasks come up. Take July 17 for instance. "I heard that Orrin Hatch, who is a very nice gentleman but who couldn't disagree more with me on our legislative program, was going to introduce a bill that I knew would be very harmful not only to our union but a number of other unions," Ms. Dubrow said. The bill would have lifted 44-year-old restrictions that prohibit employers from hiring workers to work in their homes. That would allow employers to escape paying benefits and minimum wages. Ms. Dubrow marched up to Capitol Hill to do something about it.

"I started with the leadership," she recalled. She talked with the Democratic leader, Senator Robert C. Byrd of West Virginia. "I then proceeded to see as many members of the Senate as I could, indicating to them that if this did come up I hoped there would be a move to table it or defeat it."

She will not know the fruit of her efforts for some time, but she bets she saw at least 30 senators that day.

When she talks to all these senators, this tiny woman with soft curls and light blue eyeshadow says she remembers one thing, which she likes to pass on. "The one caveat I would give to new lobbyists is don't pretend you know all the answers," she said. "Don't wing it. You better know what you're talking about. If you lie, they'll find you out."

Her voice is throaty, her tone serious, her manner charming, her politics liberal and her commitment unyielding. She is known for her diligence, her friendliness—and her height.

"She's my idol; I want to be just like her," said Sterling J. Henry, a 28-year-old, 6-foot 2-inch lobbyist for the National Association for the Advancement of Colored People.

"I once saw Senator Simpson, who must be 6-5 or 6-6, talking to her," Mr. Henry said. "The man looked up to her! You could see the respect."

"She's not confrontational," he went on. "She doesn't talk to senators or Congress persons like they're a little prima donna; she talks to them as a friend."

If asked why she became involved in labor and politics, Ms. Dubrow invariably points out that she was the daughter of a union man and the younger sister of a suffragette.

She was born in Passaic, N.J., earned a degree in journalism at New York University in the late 1930's and began her career in the labor movement working as a secretary in the Textile Workers Union in New

Jersey. She went to Washington briefly in 1947 to help organize Americans for Democratic Action, a liberal organization that to this day espouses traditional New Deal values.

A REVERENCE FOR CONGRESS

She returned to New Jersey the next year to do political organizing for unions. After the 1948 election she was named New York State director for the A.D.A. In 1956, seeking to return to the labor movement, she joined the International Ladies Garment Workers Union, and in 1958, when the union decided to open a Washington office, the leaders asked Ms. Dubrow to go to the capital and work as a lobbyist.

Through the years she has developed almost a reverence for the institution of Congress. "The one thing I have is a respect for the office," she said. "I might not agree or even like the occupant of the particular office but I've always respected and been courteous for that reason. I don't go around threatening members of Congress that if they don't vote with me they're going to be defeated or anything like that; I don't believe in it."

Likewise, she believes in her profession. "A lot of members will say I owe you a vote Evy," or "You're a good friend." But I would never ask them to give me a vote on that basis. I like to think that when I'm asking for their vote it's because I really have a case. Now it doesn't mean I'm not enlightened if they think they'd do it to me because they personally like me. That's great; that's gravy. But that to me is not what lobbying is about."

"Lobbying," Ms. Dubrow said, is presenting your case and proving it."

THE PORTUGUESE ELECTIONS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. COELHO. Mr. Speaker, last month the people of Portugal took another bold step toward a stable and prosperous future. For the first time in the 13 years since democracy dawned there, the people elected a majority government, casting 50.2 percent of their votes for the Social Democratic Party and returning Anibal Cavaco-Silva as Prime Minister.

The people of Portugal are fortunate to have two men of extraordinary capability at the helm of state. The vision of President Mario Soares and the pragmatism of Prime Minister Cavaco-Silva combine to form a solid partnership dedicated to moving Portugal ahead. Dr. Soares brought democracy back to Portugal setting the stage as well as the standard for her development as a free nation. Prime Minister Cavaco-Silva has brought unity to the formerly divided Social Democratic Party and now has the mandate he needs to begin the economic reforms the nation so badly needs if she is to prosper as a member of the European Community and flourish as an example for other struggling young democracies.

We who are of Portuguese ancestry are especially proud to applaud this newest development in Portugal's progress. We salute the people of Portugal and their leaders, and we point to the Portuguese experience as another

example of democracy's victory in so many different parts of the world.

As we applaud our ally Portugal on her people's vote for stable development, we would do well to take a serious look at how we are investing our resources around the world. In too many instances the United States continues to waste our resources supporting military efforts, while we forget that the real goal, the goal of democracy and of all democratic-oriented nations around the globe, is power through economic stability. We claim to promote democracies, yet we allow ourselves to become overburdened with unparalleled expenditures in defense, losing the larger economic war because we are not putting our resources into partnerships in education, research, development—partnerships which will benefit our own economy at the same time they will strengthen our relationships with our allies throughout the world. We might do well to reorder our priorities and reprogram our resources.

SOVIET BANK LOANS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. ROTH. Mr. Speaker, I am pleased to have my colleague, Congressman JACK KEMP, join me today in introducing legislation that goes to the heart of our Nation's security.

The issue which we are raising today comes down to one simple fact. The West is supplying the Soviet bloc roughly \$1 billion every month in new bank loans. Every day, Western commercial banks send \$33 million to the Soviet bloc on terms that you and I, or farmers, or blue chip companies, or homebuyers, or any working American would be very hard pressed to find.

Where is the money coming from? About 45 percent of it is coming from Japanese commercial banks; about 45 percent is coming from banks in Europe; and the rest is coming from our own banks right here in the United States.

The funding of the Soviet empire by us and our allies is not acceptable to the American people and it is time that Congress take action.

When he was before our Banking Committee on July 21, I asked our outgoing Federal Reserve Board Chairman, Paul Volcker, his views on this issue. He told the Congress that if we were seriously concerned about the consistency of Soviet bloc lending with our national security interests, then it was the responsibility of Congress to say so and to give banks some guidance. That is what we are doing here today.

What is particularly astounding about these loans is that most of them are given to the Soviets on an untied basis. That is, these loans aren't tied to any particular project. They can be used for any purpose. No questions asked.

On top of that, the Soviets are getting these loans at a very cheap price. In some cases, the interest rate is only one-eighth over LIBOR—the London-Interbank Offer Rate—

which works out to about 7½ percent. And they don't have to pay back a dime in principal until 6 years from now.

This is an extremely hazardous direction for our banks to be headed. The rush to extend general purpose loans to Latin American governments in the 1970's was one of the major causes of the international debt crisis. Yet now we find our banks falling into the same trap, giving money to the Soviet bloc countries at a spread roughly six or seven times cheaper than is given to our Latin American friends. We are also concerned about the Soviet bloc being viewed as the new safe harbor of capital fleeing our hemisphere. Yet just yesterday in the Wall Street Journal, we learn of another rescheduling of Poland's debt.

Aside from the concerns we have on purely commercial grounds, there is another issue here. Is it in the interest of the West to provide \$1 billion a month in cash to the Soviet bloc? We think not. These are not rubles we are lending. It's hard currency dollars which the Soviets can use to pay for anything ranging from their financial obligations to Cuba to acquiring illegal sophisticated Western high-technology.

It is time for this Congress to make it clear that we want banks to stop providing the Soviet Union and its client states with the financial resources that only enhance their ability to engage in subversive and aggressive activities around the globe.

We need to bring greater discipline and transparency to the Western banking community on this point. Not only for commercial reasons but also for the benefit of our collective defense.

It is imperative that Western banks begin now voluntarily to phase out untied lending to the Soviet bloc in favor of loans which can be verifiably linked to specific trade transactions and projects.

The legislation which JACK KEMP and I are introducing today gets at this issue in a number of ways. First, it requires banks to make public their untied loans to the Soviet bloc. Shareholders should know whether their bank is engaging in this foolhardy practice.

Second, it gives the President discretionary authority to control loans to the Soviet bloc. We would expect that banks will, on their own, voluntarily phase out untied lending to the bloc so that use of this authority won't become necessary.

The Toshiba case has brought home the critical importance of effective controls on Western technology. But we have the opportunity now to take this one case and look at the bigger picture. Let us today chart the true lessons of Toshiba.

It is not good enough to simply improve our export control system. All allies need to scrutinize and discipline the entire spectrum of their economic and financial dealings with our adversaries.

Better cooperation in the future includes discipline in Soviet bloc lending. We call on our friends in Japan and in Europe to cooperate with us in calling on banks to stop giving untied cash credits to the Soviet bloc countries.

We were quite surprised to learn that Japan has been the Soviet bloc's single most impor-

tant source of untied credits over the past 2 years.

Japan has been providing new loans and economic assistance to Vietnam, despite the vigorous protests of the Asian countries. And Japan has become Cuba's largest Western creditor and trading partner.

It is time for the governments of Europe and Japan to work with us and look beyond the enhancement of export controls to other equally crucial areas necessary for Western security.

Taking constructive action in this area is one way in which Europe and Japan can contribute importantly to the burden sharing in our common defense. Reducing the cash available to the East will lighten the load for United States taxpayers over time through a reduced Soviet capability worldwide.

I share Secretary Weinberger's view that the only safe way to reduce defense spending is to reduce the threat. These actions over time could result in billions annually in reduced defense costs. It is simply wrong for the United States to spend almost \$300 billion a year for our own and allied defense while our allies and some of our own banking institutions are providing an inordinate amount of cash to our Soviet adversaries.

As long as the Soviet bloc is able to get \$1 billion a month from us, they will continue to be able to finance sophisticated technology diversion schemes. As long as the Soviets have unqualified access to easy money from the West, they will continue to be able to fund their adventurism and aggression spanning from Nicaragua to Angola to Ethiopia to Afghanistan and elsewhere.

The time has come for the United States, Japan, and Western Europe to curtail its untied lending to the Soviet bloc.

SELF DETERMINATION IN PALAU

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. EDWARDS of California. Mr. Speaker, today the people of the Republic of Palau are going to the polls to vote on whether to amend their constitution to reduce the number of votes needed to adopt the Compact of Free Association with the United States. I want to bring to the attention of our colleagues that this vote, coupled with another plebiscite later this month, are cause for our concern.

Under the 1947 United Nations Trusteeship Agreement, the United States continues to have jurisdiction over Palau. This agreement is still in effect. As long as the United States continues to have responsibility for Palau, we have an obligation to ensure that basic rights and freedoms are protected.

Today's vote, and the upcoming vote on August 21, are part of a series of frequent plebiscites held in Palau. The upcoming vote on the Compact of Free Association will be the sixth vote since 1983, and the third vote in 9 months. The last vote was held just at the end of June. Each time the people of Palau failed to approve the compact.

Now, the Palauan people are voting to change the rules by amending their constitution to reduce to a simple majority the required 75 percent necessary to pass the compact.

Of course, the Palauan people have the right under their constitution to amend it. But because the United States has continuing authority under the Trusteeship Agreement, we have a responsibility to ensure that the amendment does meet Palauan constitutional standards. And some questions have been raised, under Palau's Constitution, as to whether a constitutional amendment can be voted on at any time other than a general election.

The frequent votes on the compact raise a number of policy questions for the Congress: Why have the votes happened so fast, and are the people of Palau really exercising free choice in this matter?

The Subcommittee on Insular and International Affairs, ably chaired by our distinguished colleague from the Virgin Islands, RON DE LUGO, held hearings on the situation in Palau last month, following political and social unrest there. The subcommittee has been following this situation closely, and I want to commend them for their prompt and responsible actions in this matter.

But, Mr. Speaker, this is an issue that should concern the Congress as a whole. Are the people of Palau being given a fair chance at determining their future under a constitution they adopted? And what will be the response of the United States in guaranteeing that basic rights and freedoms are maintained in Palau?

THE SANCTITY OF LIFE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. DORNAN of California. Mr. Speaker, I would like to share a letter with my colleagues which I recently received from Mrs. Aletia Ellis of Rusterburg, VA. Mrs. Ellis is a woman who was almost talked into killing her preborn child, Aaron. It was discovered, during prenatal examination that Aaron had hydrocephalus—water on the brain. Although the Ellis' were put under tremendous pressure to abort the pregnancy, they placed their faith in God.

Mrs. Ellis' faith in God, her love for life and her struggle to keep her baby against the odds are heart-rending. Her story is not only dramatic and touching, but speaks volumes against the massacre of the innocents which takes the lives of 4,000 American preborn babies every day. Mr. Speaker, I urge everyone who has ever questioned the sanctity of preborn life to read Mrs. Ellis' letter:

DEAR CONGRESSMAN DORNAN: I have debated for many months if I should write to you or not, for fear of receiving glory that is not mine. I pray that the glory will go to the Lord Himself alone. I would also like for you to use this information and testimony for the good use of saving precious lives. I do regret not having spoken up sooner.

Let me start at a beginning which happened almost seven years ago. I wasn't saved at the time and was far from thinking about

being a child of God. Well, I became pregnant while not married. I thought about abortion many times and almost had one a couple of times. But something inside me wouldn't let me do it. Undoubtedly, it must have been the Lord's small voice. I finally decided to go ahead with the pregnancy. I was advised to put the child up for adoption; but decided it was best for me and my child to keep it.

On March 28, 1980, I was blessed with a very beautiful, seven pound fourteen ounce baby girl. Today, that little baby is almost seven years old and is in the first grade this year. She's very intelligent for her age and said she has asked the Lord into her heart to save her. I rejoice everyday for this! From that first moment I saw her I have never regretted keeping her.

Another beginning that is just as important happened about two years ago. Around April 1985, my husband and I found out that we were to have a baby. We were really excited since it was to be our first child together.

My doctor wanted to do an ultrasound to determine an appropriate due date. This was done in about my fifth month of pregnancy. The ultrasound not only gave an approximate due date, which was January 10, 1986, but it also showed that our baby had hydrocephalus (or water on the brain). My doctor and the doctors of a well-known hospital in Virginia advised us to "terminate" the pregnancy or, in a better word, abort. Because there was something medically wrong with the child, they assumed we didn't want it and that it had no right to live. Needless to say, we were crushed and very disappointed with the news. After all, everyone hopes for a beautiful, "perfect" and normal child. We were very hurt and angry with God! We felt cheated somehow. All those people out there aborting their babies just because they didn't want it or it would embarrass them. Many abuse their children. We felt that it just wasn't fair! We loved the thought of our baby! But to be handed this! Through all the emotions we decided to ask God's forgiveness, guidance and strength. We chose to trust Him and go ahead with the pregnancy.

After two weeks of thinking about it, my doctor wouldn't even let me give him my answer, "no," to the abortion. He told me to think about it some more and let him know the next month I came in. I told him I already knew what the answer would be but he still wouldn't accept it. In the meantime, he said the doctors at the University of Virginia Hospital wanted to discuss the case and possible options. Notice the plural of "option." So August 1985, my husband and I went to the hospital in Charlottesville. The doctors there did two ultrasounds with two different pieces of equipment. After that we all went to a conference room to discuss their results, information and our options.

They told us that they felt it still best to "terminate the pregnancy." They told us the baby had very little brain tissue and that the baby would be severely retarded. They said if the baby lived after birth, it would more than likely be a vegetable. It wouldn't know how to perform the normal bodily functions to keep it alive: breathing, eating, and sucking. Again, the only option they gave us was abortion.

They told us they would call in a day or so to get our answer. One thing that I will never forget about that day was the very last picture the ultrasound made was a picture of our baby's face. You could actually see the places for the eyes, nose and mouth. I will never forget that picture.

We left that hospital totally crushed and defeated. We cried most of the way home from Charlottesville. We really didn't know what to do. To be honest, we thought for a little while that they might be right. Thank the Lord we finally came to our senses. I remember something I had heard before, "Sometimes the Lord makes everything look so humanly impossible, so that all the glory goes to Himself." I guess He sometimes backs you up to a wall so that the only thing you can do is look to Him. So instead of abortion, we chose to do what we thought He was leading us to do. We leaned totally on the Lord and decided to deal with the baby's infirmities later.

The hospital called us a few days later for our answer. I told them we were Christians and felt abortion was murder. We also told them that we still wanted to have the baby. At this moment the conversation made me so angry and sickened. Because their reply to my answer was, "How can we help you with the child at its birth?" Just two or three days before they were ready and willing and even wanting to kill my baby. Now they wanted to save its life. To me this is hypocrisy. I never answered them and I never called them back.

I went back to my doctor at home for my next checkup and told him. My husband and I wanted a second opinion from Duke University Medical Center in Durham, North Carolina. This was the advice of a friend. He said he would set up the appointment for us.

The day arrived when Roy and I went to Duke. Before we left the house, we prayed and asked God to have His way and no matter what, we would keep the baby. We were scared to death and also excited. We were going to be in such a big, well-known capital. We read that Duke University Hospital was ranked third in the South among major hospitals.

We expected to receive the very same information. We were taken to the Private Women's Clinic when we arrived and then to the ultrasound. We met my doctor there. He seemed to be very easy going and unusually kind and concerned for a doctor. He stayed with Roy and I during the majority of the day. They took so many pictures of what they found. It was hard to keep up with everything. We were hanging on their every word and gesture for a bit of hope. They reached their decision and let us go into a conference room so they could let us know what they came up with. They told us the baby had almost a full brain on one side and only a little on the other, which was better than none. To Roy and I that sounded better than "very little" as the other hospital had said. They also told us that it was getting very late for us to still consider abortion and if that was my decision, I would have to make a quick one. Also, they said it seemed as though we wanted the baby or else we would have aborted it long ago. So they told us of some of the things they could do to help the baby once it was born. They said they would give it the best chance for a normal life as they possibly could.

So, we decided to go with Duke. Because they had the opinions we wanted. Also, they gave us two options that let us do the choosing, not just one and then try to push it on us.

They suggested that I have a test done called amniocentesis to see if the baby had a disorder known as Down's Syndrome. We did this as they suggested.

We went home with somewhat lighter hearts, praising the Lord for a little positive information.

Time went so slowly between then and the results of the test. Finally, about three weeks later they let us know our baby was normal, except for the hydrocephalus. Also we found out the baby was a boy. We decided to name him Aaron. We finally felt like there was a ray of hope lightening what seemed to be the darkest time of our lives.

Each month from then on, I would go to Duke for an ultrasound to monitor the growth of Aaron's head. November 1985, the Wednesday right before Thanksgiving, we were scheduled for another ultrasound. This one showed the size of Aaron's head was somewhat larger, which concerned the doctors on the case. So they scheduled me to come in December 1, 1985, which was one month early, to have Aaron by Cæsarian section on Monday, December 2, 1985.

The big day came and Aaron was born. I didn't get to see Aaron the first three days of his life because of my own operation and recovery. After I was alert enough, Roy told me Aaron had a beautiful full head of black hair and that he came out crying because he knew he wasn't supposed to be born yet. Also, my doctor told Roy, he had a little trouble getting Aaron out too, because Aaron tried to get away from him. This was an example of a baby knowing its time to be born had not yet come.

Aaron's neurosurgeon came to my room that evening and told me that because of the hydrocephalus, Aaron was forgetting to breathe. He insisted that Aaron have an operation the next day, Tuesday, December 3, 1985. I had to sign the papers to okay the operation.

Wednesday evening, December 4, I got to see Aaron for the first time. I just looked at first, but then I cried for him; he looked so pitiful and helpless. Being premature, he was rather purplish. I must admit, he wasn't very pretty. But my heart went out to him because he was mine and I loved him no matter what. They had IV's and monitors everywhere on him. The pain of the surgery must have been terrible for him. He was such a fighter though! When he was born, he weighed four pounds and fourteen ounces but because of the surgery he only weighed three pounds and six ounces. Due to his rapid improvements, we were able to take him home two weeks later.

One year and two months later on February 1, 1987, the Lord took Aaron home with Him. He had suffered enough. The week before he caught viral pneumonia and had high fevers for a couple of days. His little body just couldn't handle the sickness and strain. He died of respiratory arrest. Even in dying he fought for his life. We know he's better off now with the Lord than he could ever have been here on earth. He isn't suffering anymore. It was hard and his case took a lot of time and money. But it was all worthwhile. We loved Aaron as much as our daughter and his life blessed so many. The Lord was always there for us to lean on and to guide us. If I had to do it again I'd still keep the child because of the blessings the Lord can give.

Please, use this to let people know even in a case of physical impairments, abortion is not the answer, God gives life and creates everyone differently for a purpose. Sometimes God creates a little differently for a reason. Who are we to question God? Remember: "God doesn't make junk."

Also, what else can I do to get involved with the Right to Life Campaign. I will do

whatever is needed to help save lives like Aaron's and even "normal" little Aarons.

In memory of Aaron Michael Ellis, In Christ.

ALETIA C. ELLIS.

VA EMPLOYEES VOICE STRONG SUPPORT FOR THEIR MEDICAL COMPUTER SYSTEM

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. MONTGOMERY. Mr. Speaker, a controversy over the effectiveness and cost of the Veterans' Administration's medical computer system, known as the Decentralized Hospital Computer Program (DHCP) system, has arisen in the Congress. As chairman of the Committee on Veterans' Affairs, I have scheduled many oversight hearings on this important medical computer system over the past several years and the reports on its effectiveness and costs have been uniformly very positive.

Since our hearing of April 8, 1987, on this important subject, I have received many letters from veterans and Veterans' Administration employees in support of the DHCP.

I would like to share with my colleagues a copy of a letter which I received from Mr. Al Washko, Director of the VA's Department of Medicine and Surgery's Northeast Region, which demonstrates how the VA employees feel about their medical computer system. The letter follows:

MAY 15, 1987.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs,
U.S. House of Representatives, Washing-
ton, DC.

DEAR CHAIRMAN MONTGOMERY: As the Regional Director of the Northeast Region of the Veterans' Administration's Department of Medicine and Surgery, my primary responsibility is to manage medical care operations within this region. My primary mission is to provide the highest quality of care possible to our veteran population. One of the principal tools in meeting this mission has been the automation of our medical centers through the Decentralized Hospital Computer Program (DHCP).

Prior to the Decentralized Hospital Computer Program, the Agency unsuccessfully pursued a number of automation solutions for the medical centers. The most notable was a commercial implementation in seven of our largest facilities. This alternative failed due to severe limitations, lack of flexibility and prohibitive costs associated with ongoing maintenance and software change orders. During this same time period, a small number of dedicated VAMC staff members began development of a system that was the antithesis of the commercial products featuring flexibility, ease of change, a high degree of user involvement and minimal costs due to vendor independent design structures. This common sense approach overcame all obstacles to form the basis for the Decentralized Hospital Computer Program.

Thanks to this program, clinical test results are now obtained within a fraction of the time that it used to take; veterans' medical benefit eligibility can be obtained in a matter of minutes rather than the once-normal two weeks; VA pharmacies provide

substantially greater numbers of prescriptions in reduced amounts of time; veterans' waiting times have been greatly reduced; patient information is available to doctors, nurses and other health care professionals in a fraction of the time that it took before the Decentralized Hospital Computer Program; and the overall care of the sick and disabled veteran has unquestionably improved. With the increased number of veterans being treated today, the increased number of diagnostic tests performed, and the need to maximize quality of care with minimum cost, the Decentralized Hospital Computer Program is critical to our success.

Unfortunately, a program that should be receiving accolades for reflecting government at its best, is instead under attack and facing loss of funding due to entrepreneurial interests of parties such as McDonnell Douglas within the commercial medical ADP sector. This firm has strongly lobbied the Appropriations Subcommittee on HUD-Independent Agencies and forced a reconsideration of the continued funding of the Decentralized Hospital Computer Program. As the Chairman of the House Veterans Affairs Committee, you are well aware of the published reports documenting the cost benefits of the Decentralized Hospital Computer Program as compared to commercial vendors; you are well aware of the success of the Decentralized Hospital Computer Program and our prior history of automation failures; and you are well aware of the prohibitive costs and damage to morale that would result if the program was eliminated. Damage to government employee morale is a matter that must not be overlooked, as there is a trickle-down effect which ultimately impacts on the quality of care provided to veterans.

You have it in your power to settle this dispute and allow the Veterans' Administration to move forward with a program recognized internationally for its excellence and inventiveness. If this political battle continues, the only losers will be the Agency's health care providers and the sick and disabled veterans whom they serve. I ask you to lend your full support to the Decentralized Hospital Computer Program effort to ensure continued program funding for this critical component of veterans' care.

Sincerely,

AL WASHKO,
Regional Director, Veterans'
Administration, Northeast Region.

SHARON FOX AND TEENAGE PREGNANCY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. RICHARDSON. Mr. Speaker, I'm sure you are all aware of the problem of teenage pregnancy in the United States. The statistics are alarming:

Each year, 1.1 million U.S. teenagers become pregnant;

More than 500,000 of those young women give birth;

Ninety-six percent of those who give birth keep their babies.

And those figures are rising at an alarming rate.

I bring to your attention the accomplishments of Sharon K. Fox, a New Mexico woman who was recently honored for her work with teenage parents. The American Home Economics Association [AHEA] chose Mrs. Fox as the recipient of the 1987 National Home Economics Teacher of the Year Award.

Mrs. Fox is the employment program coordinator of the New Futures School in Albuquerque, a nationally recognized model school for teenagers who are pregnant or are already parents. With its award, the AHEA recognizes the creative and caring approach she takes to her work demonstrated by her Jobs for Credit Program, a course which gives teenage parents the skills, support, and motivation to find and keep jobs while properly caring for their children.

The Teacher of the Year Award is designed to reward and recognize creativity and innovation in home economics education programs. Dr. Joan R. McFadden, the executive director of AHEA explains:

As society's needs have changed, so has the focus of home economics education. Our focus is always on the family. Now it is on the realities that today's families face.

Statistically, the reality is that many of American families today consist of single, young, undereducated mothers who have neither child-rearing skills nor the skills needed to find and hold a job. Sharon Fox designed and implemented a program to meet those needs.

Mrs. Fox explains:

Parenting is not child's play, ask anyone who's been a parent. Every infant needs almost constant attention, regular medical care, clothes, food, and a clean, safe place to live. It's a challenge at any age. In addition, teen parents have other worries. Most are not married. Many feel a sense of loneliness, depression, and isolation. Few have jobs. None are finished with their education.

The New Futures School was designed to teach young parents both the family living skills required for maintaining a decent home and the employment skills needed to go out and find a job. Mrs. Fox states that: "The mission of New Futures School is to prepare teen parents to become self-sufficient, contributing members of society."

In her class, Mrs. Fox guides each teen parent through a 2-week intensive training program to develop such job skills as preparing résumés, establishing references, analyzing help-wanted ads, writing application letters, interviewing, dressing appropriately, and being responsible. A crucial aspect of the program is free child care which is provided both during academic hours and during work on weekdays. In addition, Fox visits students on the job and keeps in touch with them after graduation, providing not only skills training but moral support and motivation. Her program establishes attitudes and habits that hopefully will remain with her students all their lives.

The program has been extremely successful. For example, of the 32 students in Fox's program this year, 18 got their GED or high school diplomas; 17 of the 32 had been high school dropouts and 29 were economically disadvantaged. Mrs. Fox placed 32 students in jobs this year who worked more than 4,500 hours and earned more than \$25,000. None

made less than minimum wage and about half made more. In addition, 23 were offered continuing jobs with their employers when the class ended.

Those figures represent a significant impact on the Albuquerque community, especially in light of the fact that a considerable percentage of teenage parents who drop out of high school end up on welfare.

I bring Mrs. Fox's program to your attention in order to highlight her success in combating some of the problems faced by teenage parents. Mrs. Fox's Jobs for Credit Program is a successful, concrete effort on the part of a community to address the problem of teenage pregnancy. I think it is a wonderful example of a community-based effort to cope with the changes in our society and can serve as an example for the whole country.

I congratulate Mrs. Fox on her award and thank her for her contribution to the welfare of New Mexico's teenagers. I think she and her fellow teachers at the New Futures School in Albuquerque set a standard of attention and care for all educators.

DEATH OF JIMMY O'KEEFE

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. DONNELLY. Mr. Speaker, I am inserting in the RECORD today an article from the Boston Globe about a good friend who passed away last week: Jimmy O'Keefe of Boston.

This article tells the real story of this man's life: A man who owned a nightclub in the 1940's and 1950's that was frequented by the "greats, the near-greats and the failures in sports, politics, entertainment and the press"; a man who knew bank robbers, convicts, boxers, priests, cops, reporters and a thousand other people who were happy to be his friend.

I think that this article captures the Jimmy O'Keefe I knew and that most of Boston knew. It tells the story of how he helped elect Maurice Tobin the mayor of Boston and then the Governor of Massachusetts. It tells the story of his nightclub during prohibition days, his help to boxers—and other sports greats including Ted Williams.

Jimmy O'Keefe was buried last week, and a part of Boston was buried with his. He will be missed—and this obituary is a fitting tribute to his memory.

[From the Boston Globe, July 28, 1987]

THIS IS THE STORY OF JIMMY O'KEEFE AND WHAT THE DEATH NOTICES LEFT OUT

(By Douglas S. Crockett)

They're going to bury Jimmy O'Keefe tomorrow morning and when they do, a big portion of what used to be Boston will be gone.

He died at Deaconess Hospital Sunday, and he was 83 years old.

The death notice in yesterday's papers ran just a few lines and, at the end, said he was the owner of a place called The Dugout Cafe just outside of Kenmore Square.

It didn't say that James J. O'Keefe was the closest thing to a legend Boston had left.

It didn't say that many people believe that, if it wasn't for O'Keefe, one man, Maurice Tobin, would never have been elected mayor of Boston, then governor of Massachusetts and then appointed to a presidential Cabinet. It didn't say that once, O'Keefe physically beat up a Massachusetts governor because he did not get a job for a man who stood in the rain and snow and gave out cards for the governor at a polling place.

It didn't say that in the 1940s and 1950s Jimmy O'Keefe's nightclub and restaurant at the corner of Boylston Street and Massachusetts Avenue was the gathering place of the greats, the near greats and the failures in sports, politics, entertainment and the press.

It didn't say that he knew bank robbers and boxers and convicts and priests and cops and reporters and cab drivers and prostitutes and waitresses and bartenders and all the rest.

"He knew everyone but the unknown soldier," Frank Kennedy, one of his closest friends, said last night.

It did not say that thousands of Boston University students looked at him as a father figure.

It did not tell that thousands of alcoholics, homeless people and those down on their luck knew that Jimmy O'Keefe was always good for a handout.

It didn't tell of thousands of dollars loaned and never asked for, nor of jobs obtained.

But this is the story of Jimmy O'Keefe.

He was born in Boston's Back Bay and he never left that area.

He delivered groceries as a youth from a horse and wagon in the area now called Kenmore Square, played football and graduated from Boston English High School, worked for the telephone company for a while and then found his calling.

He became a bootlegger. He even bought a drugstore on Huntington Avenue and they used to say, "Jimmy O'Keefe sold more booze there than he did aspirins."

And, after Prohibition ended, he bought the Dugout in 1934.

There are so many stories about Jimmy O'Keefe they could never be told in a day.

ONE OF THE OLD SCHOOL

In politics, he was of the old school. He not only knew everyone in his area, he knew their cousins and friends and aunts and uncles and sisters and brothers and everyone else who even came in contact with them.

That was why Maurice Tobin went after him. O'Keefe didn't make speeches for Tobin. He organized his campaign for mayor.

O'Keefe brought all his friends into the organization and they came through. Tobin was elected but everyone knew O'Keefe was behind it.

Tobin went on to become governor but one day, when O'Keefe asked him to help a friend and Tobin said he was too busy, O'Keefe beat him up.

He never admitted it or denied it, but plenty of people knew it was true.

IN THE BOXING WORLD

In sports, he had countless boxers under contracts.

Could they fight?

"They eat better than they fight," he said. "Their feed bill is higher than Suffolk Downs."

He had Irish Bob Murphy and Bobby Quinn and no one knows how many more.

Sammy Fuller worked for him and called him one night to say he was taking a heavy-weight to Providence to fight an "Italian shoemaker from Brockton."

Later Fuller called O'Keefe and said their man was knocked out, and he asked O'Keefe what to do.

"Sign the shoemaker," O'Keefe said, but he never got him. The shoemaker from Brockton was Rocky Marciano.

O'Keefe was among the closest friends of the greats of sport. When Ted Williams was a rookie, he drove O'Keefe's car. One night the police pulled him over.

"Why did you pull me over?" the Red Sox star asked.

"Why are you driving Jimmy O'Keefe's car?" the policeman said.

Forty years ago, Jimmy O'Keefe's Restaurant was the biggest spot in Boston. Sports figures such as Williams, Joe Cronin, Jimmy Foxx, Jim Tabor were only a few of those who congregated there.

Writers such as Dave Egan and Bill Cunningham and Walter Howie were regulars. The politicians were there. The people who later robbed Brinks were there. Everyone, it seemed, was there.

FRIEND TO ALL

But he always kept the Dugout and when everything was said and done, he loved the young people.

His bartenders were Boston University hockey and football players. He kept waitresses and bartenders on the payroll for decades.

Kids who needed \$5 or \$10 always knew they could get it from Jimmy O'Keefe.

In 1961, Boston police arrested him after an undercover officer said he heard O'Keefe calling in a bet. That wasn't news. Everyone knew Jimmy O'Keefe would bet on anything.

The news was when he was arrested. The switchboard at Boston Police headquarters lit up like a Christmas tree as friends called to ask why such a thing could happen. "It was like arresting Santa Claus," the Boston Record-American reported. The case was dropped.

Jimmy O'Keefe never married nor had children. His closest relative is a cousin.

His last request was that, instead of flowers, donations be sent to the Pine Street Inn, where the people he cared about live.

His heart was bigger than he was.

And you can bet a lot of people are going to be at a funeral Mass at St. Theresa's Church in West Roxbury Wednesday, July 29, at 10 a.m.

NORTH BROOKFIELD'S 175TH ANNIVERSARY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BOLAND. Mr. Speaker, I would like to call to my colleagues' attention a very special anniversary which is being celebrated in my district.

Almost all Americans are aware that 1987 is the 200th anniversary of what I believe to be the crowning achievement of modern democ-

racy, the U.S. Constitution. To the people of North Brookfield, MA, however, 1987 is also being celebrated as the 175th birthday of their hometown.

Our Constitution has endured these many years because succeeding generations of Americans have renewed the commitment of the Founding Fathers to the fundamental right of the people to maintain the integrity of their life and thought—to govern themselves.

North Brookfield was established 25 years after that miracle at Philadelphia. Its endurance can be attributed to many of the same principles which have effected the longevity of that famous document. Each generation of residents of North Brookfield has renewed its commitment to the shared interests, civic values, and neighborly concern that motivated the ancestors of the present-day residents to settle there. That those commitments should last for 175 years is, in my mind, ample cause for celebration.

North Brookfield's anniversary will be a year-long affair, but I would like to give special recognition to what will surely prove to be its crowning moment—the six-division parade which took place on July 26. I would like particularly to recognize the efforts of Parade Committee Chairman Kathleen Crevier; 175th Anniversary Committee Chairman Robert Littlefield; and Town Selectmen Joseph A. Valencourt, Jr., Raymond H. Small and Eugene Caille, Jr., for a tremendous display of civic pride and planning.

Mr. Speaker, it is a very special year in our country's history and the confluence of events which has made it all the more special for North Brookfield is truly deserving of our recognition.

JETS JAM NEIGHBORHOODS WITH NOISE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLORIO. Mr. Speaker, in the friendly skies every morning, there is a noise that refuses to go away. It is that of airplanes landing in and taking off from our Nation's airports.

For the millions of individuals who live in the acoustic shadow of the aircrafts' flight paths, the noise they wake up to in the morning and live with as they sit in their homes is a persistent problem.

In the past few weeks, I have brought this matter to the attention of our colleagues in Congress because it is a matter that affects every community. There are hundreds of airports with airplanes crisscrossing the skies.

For every airplane that enters the airspace, there is that much more noise for our communities to contend with.

Yet there are solutions to the airport noise problem. Thanks to legislation that I supported and the Congress passed in 1979, Federal funding exists for programs to study the noise problem at all of the Nation's airports.

Since 1979, however, only 100 of the airports in the Nation have participated in the Federal programs. Of the remainder, much

still needs to be done to address the noise pollution.

Indeed, airport noise is a very apparent form of pollution. It is not the kind that fills our lungs; it is the kind that rattles our homes.

Recently, when the Federal Aviation Administration adopted its expanded east coast plan covering north and central New Jersey, the impetus was the number of flight delays and safety problems with the amount of traffic in the skies.

Since then, the skies have become even more confused. The friendly skies are just as frantic with activity, but the noise problem has grown. With the FAA's plan, millions of homes were previously unaffected by airport noise now are affected.

In my State of New Jersey, the problem has been so dramatic, that I have asked several airports in New Jersey, Pennsylvania, and New York to participate in noise abatement.

Our colleague from California, NORMAN MINETA, has included a provision in the Airport and Airway Improvement Amendments of 1987, putting pressure on airports to participate in Federal noise monitoring and abatement. If an airport authority does not make reasonable progress in developing a noise compatibility program, then 10 percent of the airport's Federal funding would be redirected to the community level, so that the noise level can be addressed through the community.

The FAA and the Environmental Protection Agency are charged with protecting our Nation from the persistent problem of airport noise.

Much can be done to help the millions affected by airport noise. All it takes is doing it. I am including an article from the Jersey Journal, speaking to the problem:

[From the Jersey Journal, July 8, 1987]

AIRPORT NOISE CONTROL STUDY SOUGHT

The Port Authority of New York and New Jersey should do a study on the problem of increased noise at metropolitan area airports, said Rep. James J. Florio, South Jersey Democrat.

Speaking yesterday at a news conference in a Kearny park, he said new flight patterns instituted in February at Newark International Airport and LaGuardia Airport in New York City have prompted complaints from residents in 27 New Jersey communities.

He said helicopter traffic that has risen considerably at Teterboro Airport also has contributed to the problem.

The Port Authority should request funds from the Federal Aviation Administration to examine noise levels in six counties near Newark International Airport, Florio and Rep. Frank J. Guarini, D-Jersey City, told P.A. Executive Director Stephen Ledger in a letter dated July 2.

The letter had not been received by late yesterday afternoon, said a P.A. official.

Surrounded by local officials, including state Sen. Thomas F. Cowan, D-Jersey City, and Kearny Mayor Henry Hill, Florio accused the Environmental Protection Agency and the FAA of being lax in enforcement of noise pollution laws.

"It seems that some people in Washington don't want the EPA involved in noise pollution. It's time to start thinking about it and doing it," Florio said.

He suggested that the state attorney general should consider suing the EPA if conditions do not improve soon.

Florio attributed the rise in complaints to the FAA's new system of routing planes, more flights spurred by deregulation, and overworked air traffic controllers "who are not cushioning the impact of higher levels of traffic."

Air safety is foremost at airports, Florio said, but high noise levels can add to health problems. He chided the EPA for "opting out of its responsibility" and said the EPA and FAA have not coordinated efforts on that front.

The FAA's decision to alter traffic routes from Florida to Boston was part of a plan to relieve congestion and improve safety.

Under the Expanded East Coast Plan, or EECF, planes flying south and southwest out of the two local airports were routed over the New Jersey communities of Tewnsbury, Long Valley and Hackettstown. Before the EECF, the flights went over Headington.

Legislation passed in 1979 by Congress allows airports to petition the FAA for a study of noise levels.

Such FAA studies allow federal funding for programs such as sound-proofing homes, changing traffic patterns, designating preferential runways, limiting night operations and enforcing minimum noise standards, Florio said.

Only about 100 airports in the country have conducted the studies, he said. Jim Muldoon, general manager of aviation technical services for the P.A., said both airports have studies similar to the one requested. "We've had it for four years and the FAA has been funding 90 percent of our noise abatement program, such as school sound-proofing in 17 or 18 schools. We've done it in Newark's Ironbound and in Port Elizabeth."

The studies he said usually examine areas surrounding airports, not areas 20 to 30 miles away.

Florio said the higher volume of air traffic meant "more planes are circling over remote areas."

A CONGRESSIONAL SALUTE TO ROBERT E. RUSSELL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. ANDERSON. Mr. Speaker, it is my distinct honor to rise today to pay tribute to Officer Robert E. Russell, who is retiring from the Long Beach, CA, Police Department after having served over 30 years. Officer Russell will be honored at a retirement ceremony on Friday, August 14, 1987.

Officer Robert Lee Russell was born October 15, 1932 in Long Beach. He attended Long Beach Polytechnic High School where he excelled in track and field. Upon graduation he joined the U.S. Army where he served 4 years and was honorably discharged as a corporal. Bob then went to work for Douglas Aircraft where he was a union representative until joining the Long Beach Police Department in July 1, 1957.

During his career of service with the Long Beach Police Department, Bob has worked as a patrolman in the patrol division, the jail division, vice division, and community relations division. He spent a 7-year period in the vice division, which was divided between working the

uniform vice zone patrol, whose responsibility was to maintain order in the Pike amusement area, and to enforce ABC laws in the restaurants and lounges in the area. The remainder of the time Bob spent on the vice force as a plain clothes officer dedicated to enforcing gambling, prostitution, and ABC laws.

Officer Russell was assigned to Community Relations in March 7, 1981. He immediately took over the responsibilities of the Officer Bill program, making presentations to elementary school children throughout the city of Long Beach. Bob is often recognized as Officer Bill by the children of the community. He has become an invaluable asset with the community relations division where he is often called on to speak to many groups and organizations who request crime prevention information in any area of law enforcement. He has been established as the liaison officer for the department in the areas of labor relations, Asian relations, and gay liaison.

For the past 7 years, Bob has organized the Police and Citizens Award Luncheon which has always been a tremendous success. His outstanding commitment to his community has never gone unnoticed as he has been recognized by many organizations for his contributions and presentations, and has received over 65 letters of appreciation and commendations.

Officer Robert Russell married his wife, Molly, on April 18, 1964. Together they raised two daughters, Colleen and Kathleen. They also have two grandsons, Matthew Allen and Bryan David.

Bob has many hobbies including collecting police patches and coins. He enjoys fishing, off-road biking, and horseback riding. He also enjoys traveling, water skiing, and is an avid fan of the Los Angeles Rams football team.

Bob raises Arabian horses, and aside from being an expert horseman, he has taken his Arabian horses to over one hundred first place trophies in open shows and rated class A Arabian, Halter, and Western pleasure competition. Upon retirement, Bob and Molly will move to Lockwood Valley to continue to raise horses on their ranch which is appropriate named Russell's All "R's" Arabians.

Mr. Speaker, Officer Robert L. Russell has proudly served his uniform and his community. He made the city of Long Beach a special place to live and work. My wife, Lee, joins me in congratulating Officer Russell on his many accomplishments and achievements over the years. We wish him and his wife, Molly, and their two daughters, Colleen and Kathleen, and their two grandsons, Matthew Allen and Bryan David, happiness and all the best in the years ahead.

COMMENCEMENT EXERCISE FOR ACTION TO REHABILITATE COMMUNITY HOUSING

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FAUNTROY. Mr. Speaker, I would like to take this opportunity to commend to my colleagues an outstanding vocational educa-

tional training program for young adults in the District of Columbia who aspire to enter the building trades industry.

Action to Rehabilitate Community Housing [ARCH] is a program which operates under the Cooperative Employer Education Program [CEEP], in conjunction with the Division of Adult Education in the District of Columbia Public Schools. As a building trades training program, ARCH provides two 26-week carpenter/drywall and weatherization mechanic programs, a 47-week housing rehabilitation specialist program, or a 16-week gas/heat maintenance and repair program. In addition to these skills, the curriculum focuses on cultivating good work habits, healthy customer/co-worker relationships, and tutoring in reading, mathematics, measuring, and oral and written communication.

On August 14, 1987, ARCH will hold its first commencement exercise and will award certificates to 27 trainees who have successfully completed the prescribed course of study. These young adults having had the benefit of this vocational training program, which combined hands-on craft skills with classroom study, will be in a better position to enter the highly competitive job market in this metropolitan area.

Mr. Speaker, I am proud to bring this worthwhile program to your attention, and I want to express the gratitude of the citizens of the District of Columbia to the DC Government, the DC Public School System, PEPCO, and the Private Industry Council for their continued support and dedication to this project. Action to Rehabilitate Community Housing is the kind of program that might serve as a model for other communities.

IN HONOR OF THE VICTIMS AT NASSCO

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BATES. Mr. Speaker, I was deeply saddened to learn of the tragic accident which occurred at National Steel and Shipbuilding in San Diego on July 10, 1987. Six men lost their lives and six others were injured in this regrettable incident.

These brave men were victims of an unfortunate accident while serving the United States. These men had just completed their days' work assignments on the U.S.S. *Sacramento*, a fast combat support ship that was undergoing repairs at the shipyard.

I want to express my condolences and deepest sympathies to the families of Maurice McClure, Carlos Mendez Ortiz, William A. Starke, Jr., August Lawrence Unser, Rafael Barajas Magana, and Roberto Estrella, who lost their husbands, fathers and sons.

I wish to extend my sincerest wishes for a speedy recovery to Carge Johnson, Jr., Esteban Delgadillo, Ford Pulley, George Sumner, Doug Wilson, and Robert Miller, who were injured on this dreadful day.

The trades involved in shipbuilding are very dangerous occupations. I would like to impress upon officials at National Steel and

Shipbuilding, and at the Federal Occupational Safety and Health Administration, the need for a comprehensive updating of the safety regulations for this industry.

AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BROOKS. Mr. Speaker, today I have introduced a bill to amend the Employee Retirement Income Security Act of 1974 [ERISA]. This legislation is identical to that which I proposed in the last two Congresses.

As it stands now, ERISA's protections are incomplete; the law explicitly protects workers pension plans from the ravages of corporate mergers, but does not cover any of the numerous other, nonpension, worker programs—life insurance, accidental death and dismemberment insurance, and disability retirement income plans, and so forth—that millions of the Nation's workers have earned and rely on presently, any of these many nonpension programs can be wiped out through the course of a corporate merger. Often such programs are as important, if not more important, to the economic security and well-being of retirees as their basic pension plans which ERISA protects. This bill will extend ERISA's merger protection provisions to all employee benefit plans, pension or otherwise.

Hearings were held during the 98th Congress on this remedial legislation before the Labor-Management Subcommittee of the Education and Labor Committee. In light of the attention this subject has attracted recently, I am hopeful that this bill may be expeditiously considered by the House.

BORK SHOULD BE REJECTED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLORIO. Mr. Speaker, the President's nomination of Judge Robert H. Bork to a seat on the U.S. Supreme Court is a grave mistake for our Nation.

I strongly believe that Judge Bork is a nominee whose extreme views threaten societal and constitutional balance. I have researched this and elaborated on my position at length in a letter to the chairman of the Senate Judiciary Committee.

For the benefit of my colleagues, the text of that letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 1987.

HON. JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC

DEAR CHAIRMAN BIDEN: I write to express my views on the nomination of Judge Robert H. Bork to the United States Supreme Court. I hope your Committee will take these views into account in exercising

its Constitutional responsibility to provide advice and determine whether consent should be given to the appointment.

Under our Constitutional system, liberty and justice depend on balance—a balance of governmental institutions and a balance of principles of popular sovereignty and fundamental rights. The Federalist No. 51. The Supreme Court plays a crucial role in determining the nature of the balance. Since a seat on the Supreme Court is a lifetime appointment, the stakes are high each time a nomination is considered. A justice with extreme views could upset the balance of our democracy.

The nominee's views have been set forth forcefully and articulately in the prolific writings of a long professional career. Regrettably, review of the record makes clear that this nomination threatens to upset the Constitutional balance. In evaluating a nominee's views, considerable latitude should be allowed for differences of opinion and philosophy. Here, however, the nominee's views are outside the mainstream of American Constitutional and legal thought.

The economic and social forces of the twentieth century accompanied by nearly perpetual state of international tension, have put to a severe test the Constitutional system devised by the Framers. But the system has, not without painful struggle, withstood the test, and in some respects it has grown stronger. For example, in the decades since World War II, America destroyed forever the curse of government-backed racial discrimination and strengthened the right to privacy, to free speech, and to vote. Nevertheless, national consensus on many public issues remains fragile, and many difficult challenges lie ahead. Can we move from a situation where government does not discriminate to a society without discrimination? Can we meet the current global economic challenge? Can we emerge from a Constitutional crisis in the implementation of United States foreign policy and restore compliance with democratic processes and the rule of law?

Judge Bork's record leads to the disconcerting conclusion that he has opposed virtually every aspect of the progress of the last generation. Equally troubling, the nominee's extreme views and rigid ideology are ill-suited for the challenges that lie ahead.

At a crucial point in the civil rights struggle, the nominee opposed as "coercive" the legislative effort to achieve decency and simple justice by ending racial discrimination in public accommodations. When public opinion passed him by, the nominee abandoned his position on public accommodations. In the ensuing years, however, he attacked the Supreme Court's decisions forbidding discriminatory real estate contracts, striking down the poll tax, and allowing universities to consider race in admitting students, if done for substantial public policy reasons. The last case is particularly instructive. The decision in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), allowing affirmative action in university admissions, was written by Mr. Justice Powell, whose place on the Court the nominee would fill if he is confirmed. The nominee criticized Powell's opinion as an "uneasy compromise." Actually Powell's approach was conservative. He struck down the admissions plan in issue and simply suggested that a more flexible approach would have been sustained. Widely recognized as a conservative jurist, Powell nevertheless demonstrated the difference between con-

servatism and extremism. In leaving the door open to some forms of affirmative action, he had the personal flexibility to permit an interpretation of the Constitution in light of the evolving sense of justice of the American people.

The nominee has opposed improvement in the fairness of our political system, arguing against the landmark decision guaranteeing the principle of one-person-one-vote. He has authored opinions arguing for restricted access to the courts and against women's rights. He has criticized Supreme Court decisions elaborating the Constitutional right of privacy, and he had made troubling statements on free speech, suggesting a dangerously narrow approach.

When one turns from the need to preserve and strengthen individual rights, to the other challenges that lie ahead, the nominee's record is equally troubling. America, today, faces a world of fierce economic rivalry. In the short period of a half dozen years, ballooning debt, slipping productivity, and eroding market shares have put us on the defensive around the world. We need an undogmatic and flexible response, but the record of the nominee suggests a rigid and doctrinaire approach, ill-suited to the challenge. It is well known, for example, that the nominee has consistently espoused a rigid approach to interpretation of our antitrust laws. The sole criterion for interpreting the antitrust laws he would allow is an academic conception of efficiency that amounts to "anything goes." For example, his view of the mergers and takeovers that violate the Clayton Act is so narrow that if it were the law, even with an enforcement minded administration, little would stand in the way of the continuation of the present, "anything goes" approach. In such an environment, financial manipulation is rewarded, communities are dismembered, plants are closed, jobs are lost, and nothing is done to regain our international economic position.

Finally, in light of the fact that the United States is currently in the midst of a Constitutional crisis regarding official compliance with law in the implementation of foreign policy, it is impossible to ignore the nominee's role in what came to be called the "Saturday night massacre" during the Watergate scandal. The nominee was then the Solicitor General of the United States. When the Attorney General refused to follow the President's order to fire the Watergate special prosecutor, the nominee carried out the order, despite Justice Department regulations. Two weeks later, he told Congress that legislation to create a special prosecutor independent of the President could be unconstitutional. Such legislation was enacted, but it is now being challenged by former officials who are under investigation. Undoubtedly the Supreme Court will soon have to consider the status of the independent counsel and other matters relating to official accountability. Simply stated, the record of the nominee, on this point alone, disqualifies him for a seat on the Court.

Sometimes it is said that whatever else is revealed by the record of this nominee, he is at least an advocate of judicial restraint and of deference to legislative intent and the intent of the Framers of the Constitution. I am afraid that I am not persuaded that this assertion is correct. In his extensive writings on antitrust, the nominee argues, in effect, that the courts should read into the Sherman Act a particular, modern, academic economic theory, as the lode star for antitrust analysis. Bork, "The Rule of Reason and

the *Per Se* Concept," 74 Yale Law Journal 775, 839 (1965). In fact, the legislative history of the antitrust laws is filled with concern for the social and political consequences of concentrations of economic power, and this concern should be taken into account in application of the law. Pitofsky, "The Political Content of Antitrust," 127 University of Pennsylvania Law Review 1051 (1979).

As for deference to the intent of the Framers of the Constitution, the nominee has written extensively about the intent behind particular Constitutional provisions but has basically missed the point. Over a generation ago, Felix Frankfurter observed that the broad clauses of the Constitution, such as "due process" and "equal protection" and doctrines like the separation of powers, are vague. He said the ambiguity of these "is such that the Court is compelled to put meaning into the Constitution not to take it out." Mr. Justice Holmes and the Supreme Court (1938), page 7. For this reason, the emphasis on deference to the Framers' intent can be misleading. Part of their intent was that the great clauses of the Constitution would be adaptable to the needs of the times. McCloskey, *The American Supreme Court* (1960), page 15. Too often today, the claim of having found a specific intent in 1787 or 1867 is an unconvincing attempt to justify disregarding the precedents that prevail in 1987. Though purporting to reflect "restraint," the argument seeks to justify an exercise of power to overthrow precedent. Since dubious history is used to make respectable an effort to put certain things into the Constitution, we are returned to the need to scrutinize a nominee's philosophy, while regarding skeptically assurances of restraint.

Judge Bork's views stand in stark contrast to those of Justice Holmes. The nominee has attempted to nail antitrust law to a rigid, academic doctrine of neo-laissez-faire, yet can find only limited protection for individual rights in the Constitution. Holmes tended to be very deferential to legislatures on economic issues and less so when government action might impinge on fundamental civil rights. Justice Holmes understood how social arrangements are affected by time and circumstances and how "fragile, in scientific proof, is the ultimate validity of a particular economic adjustment." (Frankfurter, pages 50-51) Holmes attributed much more significance to the liberties of the individual, which are the foundation upon which our free society is based.

It has been frequently noted that the current nominee, if appointed, would replace a swing vote on a delicately balanced Supreme Court. Equally noteworthy, however, is the fact that our Constitutional system, and even our society, as we grapple with the challenges of a revolutionary age, are delicately balanced. The present nomination comes at a time when Congress is investigating an unprecedented challenge to the Constitutional balance of powers in the implementation of foreign policy. Serious questions are pending on whether care was taken faithfully to execute the laws. In these circumstances, the legitimacy of this nomination to the Court is clouded and both the nomination and the nominee should be reviewed with extra care.

I respectfully submit that the Senate should not consent to an appointment to the United States Supreme Court where the legitimacy of the nomination is in doubt and where the record reveals a nominee whose extreme views threaten to upset the social

EXTENSIONS OF REMARKS

and Constitutional balance and jeopardize the hard-won gains of two centuries.

Sincerely,

JAMES J. FLORIO.

A TRIBUTE TO OUR LATE COLLEAGUE, WILLIAM S. MOORHEAD

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. YATRON. Mr. Speaker, I rise today in great sadness to pay tribute to our late colleague, former Congressman William S. Moorhead. Bill Moorhead's life was dedicated to public service and to representing the people of the city of Pittsburgh in the U.S. House of Representatives.

Bill Moorhead ably served in the House for 22 years. I was privileged to serve with Bill for much of this period. His hard work and commitment ensured the admiration and support of his constituents. In his long career, he was active on a number of legislative fronts. His work on the Government Operations Committee and on the Banking, Finance and Urban Affairs Committee was especially important. Bill was best known for his fine work in enacting the Privacy Act, providing Federal loan guarantees for the city of New York and the Chrysler Corp., and establishing the National Endowment for the Arts and the Humanities. In all of his endeavors, Bill represented the citizens of the 14th District of Pennsylvania with the utmost dedication and sense of responsibility.

I feel honored to have known and served with Bill Moorhead. He was a caring and compassionate man and a tremendous political leader and public servant. Mr. Speaker, I join with my colleagues in extending deepest sympathy to Bill's wife, Lucy, and all members of his family.

CLEAN AIR ACT AMENDMENTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. ANDERSON. Mr. Speaker, our colleague, Congressman WAXMAN last week introduced H.R. 3054, to amend the Clean Air Act. This legislation is the product of long and diligent work, and clearly Congressman WAXMAN is owed our gratitude for his good efforts on what is certainly one of the most critical problems facing our country.

On a bill so complex and so comprehensive in nature, it is not likely that any two individuals would agree on every provision. And so it is with H.R. 3054. Though I have cosponsored this because, as indeed it will point the Nation in the right direction in our struggle for clean air and is on balance a fine piece of legislation, there are provisions in the bill which trouble me. Among these is the provision which would authorize the Administrator of the Environmental Protection Agency to impose a gas-

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oline tax increase in severe nonattainment areas.

While the people of our Nation must have clean air, there are various means of approaching this objective. But the people and the economy of our country also require a sound transportation network. And I am convinced that such a transportation network is dependent upon the existence of user fees that are used exclusively for transportation-related purposes.

I have suggested in recent weeks that highway user fees should not be utilized as a mechanism for achieving the vital national goal of deficit reduction. I am equally persuaded that they should not be a tool in our clean air campaign.

Mr. Speaker, we must have clean air. The obvious and simple truth is that we can't live without it. And for this reason I urge our colleagues to consider joining Congressman WAXMAN as a cosponsor of H.R. 3054. But I do so with the caveat that not every provision in this important legislation is perfect. Indeed, as H.R. 3054 runs the legislative gamut toward enactment, I would hope that any language which could provide for a highway user fee increase be dropped.

TRIBUTE TO MR. ANTHONY J. GIAQUINTA

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FAUNTROY. Mr. Speaker, I am privileged today to bring to the attention of my colleagues an event on Thursday, August 6, 1987, sponsored by the Shaw Community Center Food Committee to honor Anthony J. Giaquinta for his outstanding community service in the District of Columbia.

In recognizing the charitable contributions of Mr. Giaquinta, who is the director of the Joint Carpentry Apprenticeship Committee, we acknowledge his many volunteer efforts and his unselfish commitment to serving needy families in the Washington community. His active participation on the Shaw Community Food Committee has enabled this volunteer group to raise funds for thousands of area families in celebration of the Thanksgiving holiday. In addition to his work with the Food Committee, Mr. Giaquinta is currently serving as the president of the Carpenters' District Council, chairman of the board of the Carpenter's Health and Pension Fund, and a board member of the Wider Opportunity for Women Advisory Council.

Anthony J. Giaquinta is a Washingtonian, who has remained involved in the city of his birth, both in a professional capacity and in his civic duties.

Mr. Speaker, I believe Mr. Giaquinta exemplifies the volunteer spirit that has contributed so much to the making of the District of Columbia, as a caring community, as a city, and as the Nation's Capital. I invite my colleagues to join me in saluting this American citizen for his dedicated service to worthy human needs and for his devotion to his city.

FAMILY PROTECTION ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to make my colleagues aware of three pieces of legislation I recently introduced with the goal of protecting, strengthening, and aiding low- and middle-income American families.

As we quickly move through the second half of this decade it has become apparent that a serious and harmful trend is taking place across this Nation—the disintegration of the traditional family unit. The shapes and needs of the middle-class American family are changing. Yet, this Nation's leadership projects an image of the family that no longer squares with the facts—facts that point to new pressures on the family budget. Nowhere are the new pressures on the family budget more evident than in their impact on homeownership, postsecondary education and child-care arrangements.

Clearly, based upon the nature of a technological society, no government can avoid having policies that influence the family unit. The key issue, however, is whether these policies reach to the heart and soul of strengthening the American family.

There are two basic assumptions we must follow in order to adequately address this problem: The first being that the family structure has been the cornerstone for stability and understanding in our society; and second, the Government has the tools necessary to preserve the structure.

It is based upon these basic premises that Senator DENNIS DECONCINI and I have introduced three bills that will assist the middle-income American family in the areas of education, housing, and child-care.

Two of the proposals would provide tax incentives to low- and middle-income families to purchase their first home and/or pay for their children's postsecondary education.

These two bills are based on the individual retirement account [IRA] system and its income eligibility requirements. Couples filing a joint income tax return may take full deductions for the individual housing account [IHA] and the educational savings account [ESA] if their adjusted gross income does not exceed \$40,000. The amount of their deduction is gradually phased out if income is over \$40,000 until it reaches \$50,000 at which point they are ineligible. For a single parent or individual filing a separate return the phaseout range is \$25,000 to \$35,000.

The ESA will provide parents with the opportunity to make maximum annual contributions of \$1,000 for their child's postsecondary education until he or she reaches the age of 19.

Skyrocketing postsecondary education costs have priced many promising students out of the market. As the requirements of the workplace increase, we cannot allow the cost of education to become prohibitive to the American family.

The IHA, in turn, will help low- and middle-income families purchase their first home. The

housing account proposal would have a maximum annual contribution of \$2,000 per working person—\$4,000 per working couple.

Clearly the American dream of owning your own home is getting more difficult for young families to achieve. The fact is that the prospects for most young people today are not as bright as those their parents had at a comparable period in their own lives.

The third phase of this family package, the day care tax credit bill, will provide incentives to employers who establish on site day care facilities for their employees.

Onsite day care provides the most promising solution available to many low-income families. Onsite care allows more direct contact between parent and child throughout the day and assists the parent in the return to the work force.

Too many families today are caught between the rising cost of achieving traditional family goals and stagnating family incomes. The dream of providing one's family and children with decent child care, a college education, and a good home is fading away. I feel strongly that government must now step in to help the family help itself.

If we are serious about strengthening the family, we must get a clear picture of what the family needs and how we might assist it. This legislation recognizes, understands, and deals with the reality of change and will once again make the American family the vital core of our society.

AN OPEN LETTER TO THE LEADERS OF THE PEOPLE CONCERNING THE ISSUES OF NUCLEAR WEAPONS

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. ROWLAND of Georgia. Mr. Speaker, in early May of 1986, the Council of Bishops of the United Methodist Church adopted the final drafts of a pastoral letter and a foundation document, both entitled "In Defense of Creation: the Nuclear Crisis and a Just Peace." We have attached a copy of the letter and foundation document to this, our response to the bishop's letter. Our youth ministry took these documents and used them as a guide to study the issues ourselves.

We listened to several speakers, studied various materials, had several audio-visual presentations, and were involved in many intensive discussions involving the policies concerning nuclear weapons. We studied Christ's teachings and the concept of Shalom, both as Christians and as youth raised with the moral traditions of our nation. These sessions have helped us understand and reach our own conclusions about nuclear arms issues.

As Christian youth, we all agree that nuclear weapons affect more than one aspect of our lives. After studying all the issues, we believe this is more than just a question of war or peace with the Soviet Union. Whatever we do affects the whole planet and everyone living on it.

In the midst of these arms issue, we as a Christian nation have a responsibility to protect all of God's Earth, not just our own nation. We see the situation growing and

are concerned that unless we start trying to make peace and get rid of these nuclear weapons, then there won't be a way to turn back in the future. In other words, we know that there are already enough nuclear weapons to destroy the earth several times over. We've seen the effects, on both nature and society, of radiation from atomic explosions as well as from nuclear reactor leaks. Therefore, we must avoid a nuclear war, begin to control the situation, and begin working toward peace.

Everyone in our youth group agrees our country should do whatever is needed to prevent a total nuclear war. We feel there could be no "winner," but only destruction and death. We are split, however, on the issue of limited use of nuclear arms.

About half of our youth group believes that any use of nuclear weapons is not only harmful to the people and the world environment, but eliminates any real hope of world peace. One reason for this is the direct effects of radiation on the country attacked, as well as the indirect effects of radiation on the surrounding non-participating countries. Another reason is that we would instill distrust and fear in the rest of the world, if they see we actually are willing to use nuclear weapons. Finally, we see the real possibility that any use would lead to an all-out nuclear war that would destroy the Earth.

The other half of our group believes we should leave open the option of limited use of nuclear weapons as a means of national security. The fear of becoming a communist nation is the main reason for supporting limited use of nuclear weapons. Thus, we feel we must retain our nuclear weapons in order to give us a defense to threats toward our nation.

As Christian youth, however, we see how the threats involved in nuclear deterrence cannot be supported. We see that by supporting nuclear deterrence, the United States becomes the so-called "tough guy," rather than the peacemaker.

After studying the proposed Star Wars Defense Initiative, we are concerned with the tremendous cost of this defense system and the questionable effectiveness of it. This money could better be used to support existing social programs and to develop new programs to aid the hungry and homeless. It's time for the United States to take a positive step forward by dropping this proposed system and addressing the day-to-day needs of people.

Among the proposals in the Bishop's Letter, we strongly support a freeze in the production of all nuclear weapons. This would include a ban on both offensive and defensive weapons in space and on Earth. Next, the United States should re-affirm the ABM treaty of 1972 and ratify the SALT II treaty. By working toward treaties and agreements with the Soviet Union, we will lay the groundwork for more openness and better relations with other nuclear and non-nuclear countries as well.

We feel that an important first step toward peace would be an agreement with the other nuclear countries prohibiting a first use of any nuclear weapons. With the possibility of a first use eliminated, we could and should move toward the ultimate dismantling of all nuclear weapons.

These are important issues that need to be addressed now. They continue to grow more complex every day. Our nation cannot accept this situation as unchangeable. We must study the issues and consider all possi-

ble solutions. We must begin now to plan and move toward a lasting world peace.

COMMUNITIES CONFRONT AIRPORT NOISE PROBLEM

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLORIO. Mr. Speaker, in the past few weeks, I have brought to the attention of my colleagues in Congress a problem that affects hundreds of communities across the Nation. The problem is that of airport noise.

Although the problem can be treated with a number of effective solutions, the problem has refused to go away.

Since 1979, the Federal Government has made available to airport authorities around the Nation funds to perform studies of the airport noise problem and to improve the noise levels in affected neighborhoods.

The solution might involve rerouting traffic to lessen the impact of noise on the neighborhoods, installing better soundproofing, changing the flight schedules of airplanes and operating hours of airports, among others.

Yet despite the ready availability of Federal funding for these projects, only 100 airports have participated in the studies.

The problem of airport noise has only increased. In attempts to reduce flight delays and improve air traffic safety, the Federal Aviation Administration implemented its expanded east coast plan in the Northeast corridor earlier this year. Under that plan, neighborhoods that were previously unaffected by the noise, wake up in the early morning to the disturbing rattle of an airplane overhead.

Concerned by the noise pollution affecting residents of my own district, I recently asked the authorities at Philadelphia International Airport to conduct studies of the airport noise problem in the surrounding neighborhoods.

In that time, the authorities have agreed to cooperate in a limited study and the results are coming in. The airport noise problem is affecting those neighborhoods to a tremendous degree.

At the same time, the noise problem continues unabated from airports in Newark, NJ, and in New York.

The problem is so serious for our communities that the communities themselves are taking an active role in increasing pressure on airports to address the problem.

On June 25, Mayor Joseph N. Petruzzi of the Borough of Bellmawr, NJ, and the borough council adopted a resolution protesting the airport noise problem.

Their resolution is a model for other communities across the Nation affected by excessive airport noise.

The methods and the funds to improve the problem of airport noise do exist. I urge my colleagues in Congress to address this pressing problem for our communities and constituents.

I am including below the resolution as passed by the Borough of Bellmawr, NJ. That resolution can serve as a model for other communities in dealing with the noise pollution problem.

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RESOLUTION 6:118-87

Whereas, the take-off and approach patterns of the aircraft utilizing the Philadelphia International Airport have created a noise problem in the Borough of Bellmawr; and

Whereas, this generation of larger and more powerful jet aircraft omits a higher level of noise pollution; and

Whereas, it appears that the aircraft departure and landings have been at altitudes that make this noise unbearable, especially in the borough of Bellmawr that is predominantly residential and where a large percentage of our population is comprised of senior citizens: Now, therefore, be it

Resolved by the Mayor and Council of the Borough of Bellmawr, County of Camden and State of New Jersey that the continuous communities in the County of Camden and their Governing Bodies be encouraged to join together to protest the problem of noise pollution being generated by aircraft leaving and entering the Philadelphia International Airport: Be it further

Resolved that a copy of this resolution be sent to all Mayors of surrounding communities and Local, State and Federal representatives.

JOSEPH N. PETRUZZI,

Mayor.

The foregoing resolution was duly adopted by the Mayor and Council of the Borough of Bellmawr at a meeting held on June 25, 1987 in the Municipal Building, Bellmawr, NJ, beginning at 8:00 p.m.

MARGARET WELSH,

Borough Clerk.

MODERN DAY BETSY ROSSES

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FOGLIETTA. Mr. Speaker, I would like to take this time to recognize 15 highly-skilled women working in my district to whom I like to refer as the Betsy Rosses of modern times. They are all Federal Government employees working in the flag-making room at the Defense Personnel Support Center in south Philadelphia.

It was more than 200 years ago that Betsy Ross used her skills to create the first American flag at her home in Philadelphia, and today, these 15 women with backgrounds from all over the world are working together to create three more historic flags to commemorate the 200th anniversary of the U.S. Constitution. The flags are called We The People.

Although most of these women were born outside the continental United States in places like Korea, Italy, and Portugal, they are all now American citizens working together to hand embroider these beautiful patriotic flags.

Each of the flags takes more than 240 hours of embroidering with red, white, blue, and gold thread to complete. The flags are being made at the request of the Commission on the Bicentennial of the United States Constitution, which is headed by former Supreme Court Chief Justice Warren Burger. One of the flags will be presented to President Reagan, another will be placed in the Smithsonian Institution and the third will be used in bicentennial ceremonies in Philadelphia.

August 4, 1987

These flags proudly represent the freedom our Constitution protects, and these women should be recognized for their efforts. These women are: Anna Cavallucci, Grazia Panettiere, Grazia Marciano, Natalie Nardo, Mary Nociforo, Sarah D. Simon, Rose T. Clavin, Stella Crispno, Aida Figueras, Maria C. Martins, Samye So, Christine Upchurch, Josephine Spitalieri, Maria Negron, and Anna Fantazzi. The shop foreperson is Magnolia Young. The illustrator for the flags is Judy Mendes.

I commend each of these women for their efforts, in this the 200th anniversary of the United States Constitution.

COAST GUARD: 197 YEARS OLD TODAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BIAGGI. Mr. Speaker, I want to congratulate the U.S. Coast Guard, which today is celebrating its 197th birthday. Since the early days of our Nation, the Coast Guard has had a proud tradition of service to the public. Its responsibilities impact upon each of us. I often wonder whether we truly appreciate its value to the health, safety, and security of our Nation. I say this because it seems that every year there is an attempt to reduce the financial resources essential for the Coast Guard to carry out its responsibilities.

The Coast Guard is cost effective. It is a bargain. It benefits all of us. Its mission capabilities run the gamut for aids to navigation to boating to vessel traffic systems and zepplins.

Since 1790 when Alexander Hamilton created the Revenue Marine to guard our coasts, prevent smuggling, and raise revenues for our fledgling Nation, the Coast Guard has operated with a willingness to serve the best interests of our Nation. Its "can do" spirit is well known to all of us. Its motto, "Semper Paratus" ("Always Ready"), appropriately describes the Coast Guard.

Today, the Coast Guard continues to struggle to obtain the funds necessary to carry out its day-to-day missions, and for an acquisition and construction program to guard against deterioration of its physical assets. How much longer can we exploit the cost effectiveness of this proud and valiant organization? In 1981, the Committee on Merchant Marine and Fisheries issued an oversight report, entitled "Semi-Paratus: The United States Coast Guard, 1981." The committee found "that Coast Guard resources are not currently sufficient in quality or quantity to cope with the variety of responsibilities placed upon the agency by law."

The Coast Guard is a multimission agency, whose chief responsibilities are maritime safety, military readiness, and law enforcement.

Maritime safety includes one of the oldest missions of the Coast Guard—maintenance, repair, and operation of a system of short-range aids to navigation necessary for the safe navigation of our waters. There are over 47,000 such aids—including large navigational

lighthouses, small- and medium-sized buoys, 34 light stations, and a system of radio navigation aids to navigation to assist both air and marine traffic. In addition to providing 200 radio beacons in U.S. waters, the Coast Guard operates a 42-station, long-range navigation [loran] system and an 8-station Omega system. In accomplishing this mission, the Coast Guard uses 49 large buoy tenders, 29 smaller tenders, 64 aids to navigation teams, 18 bases, and 2 depots. It publishes the Coast Guard Light List, Rules of the Road, and local and weekly notices to mariners. The Coast Guard also operates vessel traffic systems in the Houston/Galveston, New Orleans, San Francisco, Puget Sound, Prince William Sound, and New York areas.

Maritime safety includes recreational boating safety. The objective is to reduce loss of life, personal injury, and property damage in the use of over 16 million recreational boats by more than 50 million boaters. Education is the primary objective; however, the program includes inspection and jurisdiction over manufacturers of boats and their associated equipment. To assist the Coast Guard in promoting recreational boating safety, the Congress established the Coast Guard Auxiliary—a group of 32,000 experienced boaters who volunteer their time, boats, and equipment.

Maritime safety also includes the preservation of the public right of navigation by assuring that 18,000 bridges are constructed, maintained, and operated to promote safe navigation.

Maritime safety includes the development and enforcement of standards for the safe design, construction, maintenance, and operation of commercial vessels and offshore facilities. In addition to approving designs, supervising vessel construction, and subsequent operations, it assures the competence of personnel through examination and licensing program. In any one year, this involves the inspection or examination of more than 40,000 U.S.-flag vessels and nearly 4,000 foreign-flag vessels, the conduct of about 13,000 merchant marine investigations, and in excess of 70,000 transactions involving seamen's documents and licenses.

Since the 1972 enactment of the Federal Water Pollution Control Act, maritime safety has been expanded to include environmental safety in recognition of the fact that, while accidents can be reduced, they can never be eliminated. The United States has, therefore, developed a national oil and hazardous substance spill response system that relies heavily on the Coast Guard. Its goals are to minimize pollution damage while also trying to reduce the threat of potential pollution in our coastal areas and within our inland river and Great Lakes systems. To do this, the Coast Guard maintains three strike teams that are highly trained in pollution response, maintains a large pollution response inventory, and provides a centralized reporting point for spills of oil or hazardous substances. This involves responding, on an annual basis, to more than 12,000 oil and hazardous substance spills; 11,000 cargo transfer operations; 300 major oil pollution removal operations; and thousands of vessel, barge, and waterfront inspections.

Maritime safety includes port safety and security. The Coast Guard's objective is to safeguard our Nation's ports, waterways, waterfront facilities, vessels, and personnel from accidental or intentional damage, disruption, destruction, or injury. The service also safeguards our ports from external threats of sabotage and espionage. In peacetime, its principal functions involve monitoring oil and hazardous cargo transfers, preventing spills and accidents, and inspecting waterfront facilities. There are 47 Captain of the Port Offices along our four coasts and inland waters. The Captains of the Port inspect more than 4,000 waterfront facilities and examine a multitude of vessels calling on our ports.

Maritime safety includes search and rescue activities. This activity is probably most typical of the Coast Guard's multimission concept in that it also encompasses the other two major missions, law enforcement and military readiness. Vessels and aircraft engaged in search and rescue play integral parts in military readiness and are also equipped for fisheries, oil pollution, and drug law enforcement activities. This multimission concept permits the flexibility to use vessels and aircraft to detect and chart iceberg movements as part of the annual International Ice Patrol. During 1985, the Coast Guard responded to 70,062 distress calls, saved 6,303 lives, and assisted 136,341 people in distress. The dollar value in property saved and in property assisted superseded the service's 1985 budget authority of \$2.6 billion by a half billion dollars.

The Coast Guard is the smallest of the five armed services of the United States, but its military readiness responsibilities are very large and complex. As a matter of fact, Coast Guard forces have been assigned the responsibility for the coastal defense of the United States out to 200 nautical miles through the establishment of Maritime Defense Zones [MDZ's] in 1984.

Military readiness includes maintenance of radio stations, air stations, shore stations, shipyards, vessels, boats, aircraft, and engineering, repair, and support activities. Since 1790, readiness, preparedness, and training have been essential to the Coast Guard's multimission capabilities. Throughout our history, the Coast Guard has been an effective and ready Armed Force.

Last, but certainly not least, is the Coast Guard's third major mission—law enforcement. This mission includes enforcement of various laws or treaties on the high seas and waters subject to the jurisdiction of the United States. Today's emphasis is on the interdiction of drug smuggling and illegal migrants. A few years ago, the emphasis was on the enforcement of fisheries laws and regulations within our 200-nautical-mile exclusive economic zone.

As of July 1986, the Coast Guard, in the enforcement of our fisheries laws, has boarded 15,684 foreign and domestic vessels, issued 2,825 citations, seized 76 foreign and 4 domestic fishing vessels, and assessed approximately \$25 million for various violations under the Magnuson Fisheries Conservation and Management Act. Coast Guard operations alone have led to the confiscation of 35 million pounds of narcotics and dangerous drugs, 2,000 cases involving maritime smuggling,

with the seizure of 1,405 vessels and the arrest of 6,907 individuals.

On the Coast Guard's birthday, it is incumbent upon us to take a moment and reflect upon the impact this service organization has upon all our lives. I am pleased to have this opportunity to wish the entire Coast Guard family best wishes on this 197th birthday.

CONSTITUTIONAL CONVENTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. PACKARD. Mr. Speaker, on August 6, 1787 the Convention reconvened after a 10 day recess. The committee of detail had completed the first draft of our United States Constitution. Copies were distributed to each of the members and at that time the Convention was adjourned to allot time for each delegate to study the report. The first draft consisted of a preamble and 23 articles. Of the 23 articles, two were introductions, seven dealt with Congress and its powers, one covered the executive, one the judiciary, three provided for interstate comity, and seven covered such miscellaneous topics as the admission of new States.

Much debate along with many changes were to follow the original draft, however, the main concepts behind the document could still be recognized if compared with the final work. Parts were agreed on with little difficulty whereas others ended in heated debates. Changes made by the committee were often questioned by many of the delegates. The most important change made by the committee was regarding the amount of authority given Congress. With the revised report Congress could no longer do things such as declare war, coin money or regulate foreign and domestic commerce. Restrictions on the various branches were added so that they could not have absolute freedom to do as they pleased.

With the Iran/Contra hearings, we are questioning certain sections of our Constitution just as our forefathers did. For example, did public officials go beyond the boundaries of our Constitution? This is a question that will be debated for years. I think Thomas Jefferson sums it up most appropriately when he said, "some men look at constitutions with sanctimonious reverence, and deem them like the ark of the covenant, too sacred to be touched * * * I am certainly not an advocate for frequent and untried changes in laws and constitutions * * * but I know also, that laws and institutions must go hand in hand with the progress of the human mind * * * we might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors."

**RAOUL WALLENBERG HAS
PROVEN THAT ONE PERSON
CAN MAKE A DIFFERENCE**

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. GALLO. Mr. Speaker, today is the 75th birthday of a man who has proven for all time that one person can make a difference.

In honor of Raoul Wallenberg's birthday, the people of Morris County, NJ, have taken action to find an appropriate site for a permanent reminder of Mr. Wallenberg's life and his one-man stand against the tyranny of nazism. This action will honor the man, his Swedish heritage, and his unselfish dedication to justice and humanity.

The courageous actions of Raoul Wallenberg during the Nazi purges of the Jewish people saved the lives of tens of thousands of people. Acting at great risk to his own life, Mr. Wallenberg used every method at his disposal as a diplomat representing the neutral Swedish Government to prevent the Nazis from deporting as many as 100,000 people from occupied Hungary to the death camps.

It is appropriate that the 75th birthday of this brave man be celebrated through the efforts by Mount Olive Mayor Charles Johnson, Randolph Councilwoman Kayla Bergeron, and other local and county officials to find an appropriate site for this honor, with the support and cooperation of the Jewish Anti-Defamation League and the Jewish War Veterans.

As a supporter of this action, who also has called on the Soviet Government in the strongest possible terms to open their records on Mr. Wallenberg, I believe he would be pleased to know that his courageous actions on behalf of peace-loving people everywhere are remembered 40 years after he disappeared into the Soviet gulag.

The great irony of Mr. Wallenberg's life is that he is best remembered for singlehandedly freeing a people from bondage, only to be sentenced to the same fate by a Soviet Government under Stalin that proved no more sympathetic to human rights than the Nazis were.

The Soviet Government owes a 40-year debt to freedom-loving people everywhere who have waited for word of Mr. Wallenberg's fate.

This action is appropriate for another, equally important reason. I am very disturbed by the fact that a growing number of young people do not know who Raoul Wallenberg is. Long after we all are gone, his story should be told so that his example will continue to remind future generations that one person can change the course of history for thousands of others, if he or she has the courage to try.

EXTENSIONS OF REMARKS

**MODEL CONGRESS CHARTERS
PATH PROMOTING INTEREST
IN GOVERNMENT**

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. FLORIO. Mr. Speaker, for many years now, the Educational Information and Resource Center in Sewell, NJ has been sponsoring a "Model Congress" for middle, junior, and senior high schools throughout the State of New Jersey. Through this Model Congress, EIRC has promoted a renewed interest in the way the Government operates and has helped to restore confidence in the legislative process.

Originally sponsored by the Institute for Political and Legal Education, the Educational Information and Resource Center has served a vital need in our society for the past 18 years through the Model Congress by promoting an awareness among our children of how the Government works.

The Model Congress is patterned after the actual branches of Government of the United States, including the rules and procedures of the Congress of the United States. Elected by their peers, students from grades 7 to 12 participate in a model legislature to tackle issues that we in the Congress of the United States must also deal with.

The Model Congress Program allows students to study the Constitution, and the Federal Government's three branches—the legislative, the executive, and the judicial branches—in depth and hands on.

Through the Model Congress, students in my State of New Jersey have a forum in which to meet and discuss vital issues among themselves and with State and National Government officials.

Currently, several dozen schools in New Jersey are participating in the Model Congress with several hundred students getting a firsthand grasp of how the Government works each year.

The EIRC provides instructional background and materials for the students and their teachers to use. By working with the participating schools, the Model Congress combines an extracurricular activity with the academic program of the schools, adding to the students' understanding of the way Government works.

This forum is a way for these students to get firsthand experience as to the operation of the Congress. For some, it is the budding start of a congressional career or public service. For others, it is an insight into Government that can be shared with their peers back at school.

For all, it is a way of getting inside the Government and bringing the democratic ideals of the Nation closer to all.

For many congressional offices, the Model Congress offers an opportunity to participate in the education of children in our district's schools. Individual offices can work with schools in their districts, playing an active role in how the Congress works. That Capitol perspective is an invaluable part of helping students understand how the American system of democracy works in practice.

August 4, 1987

I commend the EIRC, its Associate Director Dr. Theodore J. Gourley, and the Model Congress in New Jersey and urge the sponsors to keep the program alive, making Government attainable for all.

**THE CENTENNIAL OF THE
BIRTH OF MARCUS MOSIAH
GARVEY**

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. RANGEL. Mr. Speaker, it is remarkable, and altogether fitting and appropriate, that this month we celebrate both the 25th anniversary of the independence of Jamaica and the centennial of the birth of Marcus Mosiah Garvey, its first declared national hero. I believe we have much cause to rejoice in this fortuitous conjunction to remember and reflect what preceded the 25 years of Jamaican independence and understanding that the long, hard struggle for independence were blessed by the presence and work of Marcus Garvey.

I am proud to be the sponsor of House Concurrent Resolution 84, a bill to exonerate Marcus Garvey of the unjust conviction he suffered as a result of the politically motivated persecution by the U.S. Government aimed at him because of fear of his growing influence with the black masses. I am pleased that on Tuesday, July 28, our colleague JOHN CONYERS chaired a hearing before the Subcommittee on Criminal Justice on my legislation.

I was thrilled to have the opportunity to testify on behalf of my bill and to have been joined by the sons of Marcus Garvey, Julius and Marcus Garvey, Jr. Mr. CONYERS, and the members of his subcommittee also heard from Ambassador Keith Johnson of Jamaica, and a distinguished panel of historians who presented clear and compelling evidence in support of the exoneration of Marcus Garvey. Also present and participating in the hearing was my good friend, former Ambassador from Jamaica, the Honorable Alfred A. Rattray. Mr. Rattray now serves as a member of the Executive and a Shadow Minister for Investment and Foreign Trade of the People's National Party, which last formed the Government of Jamaica from 1972 to 1980.

Freddie Rattray's stirring testimony supporting my legislation and commemorating the life and legacy of Marcus Garvey is a wonderful expression of the love that the Jamaican people have for their national hero. Regardless of their political persuasion, the Jamaican people appreciate Marcus Garvey for his contribution to their independence.

Today, Marcus Garvey's liberating message is as alive as ever, and as we join our Jamaican friends in celebrating the 25th anniversary of Jamaicans independence as a nation, let us recognize that independence is not simply an historical event, achieved once and settled forever. It is a continuing process, a struggle for each generation to define how it will meet the challenge of the day. On August 17, 1987, in every part of the world reached by the diaspora—Jamaica, United States, Europe, Asia, and Africa—millions will remember the mes-

sage and work of Marcus Mosiah Garvey. His message of liberation is alive, uniting us in purpose and binding us together.

I am pleased to join this important celebration of the centennial of Marcus Garvey's birth and to inform my colleagues of his rightful place in history through inserting the testimony of Ambassador Alfred Rattray in the RECORD.

The testimony follows:

STATEMENT BY HON. ALFRED A. RATTRAY

Mr. Chairman, Honorable Members of the Committee, I am Alfred A. Rattray. I thank you for the opportunity to present this statement to you on this very important matter. I am a former Ambassador of Jamaica to the United States and a former Ambassador/Permanent Representative of Jamaica to the Organization of American States. I am a Member of the Executive and a Shadow Minister for Investment and Foreign Trade of the People's National Party, which last formed the Government of Jamaica from 1972 to 1980. I am also Chairman of the North American Committee of the People's National Party of Jamaica.

Marcus Mosiah Garvey is one of a select few who have had a profound effect upon world history and human affairs during the 20th century.

Most of the territories of the Americas and the West Indies suffered conquest by external powers, and over time there arose liberators who freed individual territories or groups of territories from colonialism, or from foreign occupation. Marcus Garvey came along and ushered in a new concept of liberation. He viewed a world demeaned by the scourge of colonialism—that system whose very purpose is the enforced exploitation of whole races and classes of people by others more powerful than themselves. He saw everywhere in the Americas and in Africa, the denial of reasonable economic, social and educational opportunities for the vast majority of people. He observed the entrenched systems which deliberately and systematically debased and at times even sought to exterminate or enslave whole races, minority groups and disadvantaged persons.

There seemed no end to this global oppression of one race by another, of the weak and powerless by the strong and the powerful. The victims seemed powerless to throw off the shackles which so effectively impeded their economic, cultural, social and political mobility. The plight of the Negro race and of other oppressed peoples everywhere seemed hopeless.

And then, the 20th century produced Marcus Garvey. He led and helped to spawn a new breed of liberators who developed new strategies and employed new techniques to wage war against the seemingly impregnable fortresses of human selfishness, abuse, exploitation, callousness, and cynicism.

Tracing through the pages of history the methods and techniques used along the way to secure and perpetuate the bondage of oppressed peoples, Garvey noted that the Negro race, and by extension all oppressed people, were the victims of man's inhumanity to man. They were victims of that brutal inhuman urge which produced the twin systems of slavery and of colonialism, and which even today is dominant wherever one nation or class of people for whatever motive seek to dominate another.

Observing his people in Jamaica, in the Americas and in Africa, and learning from the lessons of history, Garvey noted that

the conquest and subjugation of the human spirit was at least as important and as effective a strategy of enslavement, as the conquest and subjugation of the human body.

The establishment and perpetuation of the political, social, economic and psychological bondage of the Negro race, and indeed of all oppressed peoples, were facilitated and indeed secured by the false notion of their inherent inferiority. This notion was invariably implanted into their minds by their oppressors—be they slave masters, colonial masters, or other breeds of exploiters.

So carefully and relentlessly cultivated throughout the ages has been this notion of the inherent and inescapable inferiority of the oppressed, that it emerged as perhaps the greatest stumbling block to his liberation.

The abiding greatness of Marcus Garvey, and that which assures for him his place in the history of mankind, is not only that he clearly perceived all this, but also that he embarked upon a process which showed the way for the liberation of the enslaved spirit of oppressed people everywhere—in Jamaica and the Caribbean; in the Americas; in Africa—everywhere. It was this liberation of the besieged spirit of the Negro race and of other oppressed peoples throughout the world that was the focus of Garvey's strategies and endeavours. He knew that once the human spirit is liberated the human being can reach out and firmly grasp and guide his own destiny. By the power of his ideas and his philosophies and by example, Garvey aroused in the mighty Negro race an appreciation of their true value, of their inherent worth, of their inherent equality, and their potential to achieve. A profound believer and practitioner of democracy he summoned the Negro race to unity of purpose and clarity of vision and set them on the road in pursuit of their political, economic, and social emancipation. Thus Garvey and the organizations he created and promoted waged war on ignorance and on inferiority syndromes, and in their place, sowed and nourished to maturity human dignity, self respect and self esteem.

His teachings, which had a profound impact upon Black and other oppressed people everywhere, helped to spawn that new breed of 20th century liberators and set in motion in Africa, in the Caribbean and in North America that irresistible tidal wave which swept away colonial empires and produced the massive gains of civil rights for so long denied to our people.

Such giants of history as Mahatma Ghandi, Namdi Azikiwe, Kwame Nkrumah, George Padmore, and Dr. Martin Luther King, Jr., some of the 20th century heroes of Asia, of Africa, of America, and of the Caribbean with numerous others from these areas, were deeply influenced and inspired by Garvey in the pursuit and fulfillment of their own great deeds.

Garvey's main gift to humanity was spiritual and his influence upon humanity will continue to increase with time.

Marcus Mosiah Garvey is National Hero of Jamaica and his life and work are a unifying influence in that great young nation. He has been acclaimed Hero of the Americas and his bust adorns the Hall of Heroes of the Americas at the O.A.S. in this great city. His great and untiring efforts which reached out to the world were wrought mainly in the small proud great nation of Jamaica and in our mighty proud great neighbour and friend the United States of America. Thousands of your people share

with us and others throughout the Americas, the Caribbean, and Africa a common pride in this great man.

May his life and work, his struggles, his sacrifices and his triumphs and the realization of what he means to millions in our two countries and throughout the world, become and continue forever as a source of mutual respect, mutual understanding and friendship.

The people of Jamaica and I believe the vast majority of the people of the United States share the view that the charges brought by the Federal Government against Marcus Garvey were unsubstantiated and the conviction was unjustified and unwarranted. The People's National Party of Jamaica, on whose behalf I testify today, unequivocally supports House Concurrent Resolution 84 as introduced by Representative Charles Rangel and sincerely hopes that in this the Centennial Year of Marcus Garvey's birth the Congress of the United States will adopt this resolution.

RAOUL WALLENBERG'S 75TH BIRTHDAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. PORTER. Mr. Speaker, under the leadership of my distinguished colleague Mr. TOM LANTOS, the Congressional Human Rights Caucus sponsored a rally on the steps of the Capitol yesterday to honor one of this century's greatest heroes—Raoul Wallenberg. In celebrating Wallenberg's 75th birthday, prominent speakers recognized how much one person can do for his fellow man, and how one man can make a difference.

Throughout history, many are known for their ruthlessness, but very few are remembered for their compassion. Wallenberg is one such man. Hundreds of thousands of individuals owe their life to him. Survivors remember that the name Raoul Wallenberg was their only key to freedom.

On October 5, 1981, President Reagan granted honorary citizenship to Wallenberg. Only two other persons, General Lafayette and Winston Churchill, have received this recognition. Under the leadership of Congressman LOWERY, Senator LEVIN, and others, we have renamed one of Washington's streets in his honor. Actions like these are the result of tireless work by Annette and TOM LANTOS, Rachel Haspel and the Raoul Wallenberg Committee of the United States. They have made Wallenberg's tragedy reknown.

The Soviets are well aware of our concern for Mr. Wallenberg, but have resisted all requests to satisfactorily account for his whereabouts. Since the Soviets took Wallenberg into protective custody in 1945, their sparse statements have been marked by inconsistencies and secrecy. Their inaction is immoral. Why does the Soviet Government persist in punishing Raoul Wallenberg?

The Soviets first claimed they knew nothing of Mr. Wallenberg's condition. Then they claimed he died in a Moscow prison in 1947. However, well-documented evidence insists

he was alive at least through the 1970's and may be alive today.

Stalin's injustice against Wallenberg is a disgrace. But if Gorbachev really believes in glasnost, then the chances of discovering Wallenberg's whereabouts are improved. Let Gorbachev's openness policy uncover the case of Raoul Wallenberg.

Over 200 people signed a petition to Secretary Gorbachev demanding the immediate release of Wallenberg and all information concerning his incarceration. By signing this petition, concerned citizens are making sure that this matter will not fade away. Free people everywhere demand to know what has happened to one of our greatest heroes.

Mr. Speaker, I commend my colleagues TOM LANTOS, STENY HOYER, BILL GREEN, ROBERT DORNAN, JOHN MILLER, BILL LOWERY, FRANK WOLF, BEN GILMAN, and Senator CARL LEVIN for participating in this important celebration. When Wallenberg was asked to go to Budapest as a representative of the American War Refugee Board, he said: "If I can save one life, I will go." He did that a hundred thousand times over. We must follow this example and bring Wallenberg home.

H.R. 2902, FOR THE RELIEF OF NANCY L. BRADY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BOEHLERT. Mr. Speaker, today I wish to bring to the attention of my colleagues an admirable example of compassionate volunteerism in the Federal workplace.

A Federal employee from my district has been kept away from her job by a long-term illness. In the process, she has used up all of her accumulated sick and annual leave. However, her coworkers, sympathetic to her situation, have come to her aid and volunteered to donate part of their own annual leave to hers. Their assistance will give her the reassurance of knowing she'll have both the time to heal and the constant income needed to pay for that healing.

Now that's a heartwarming story, isn't it? But there's a catch. Under current law, this yarn will remain a mere fairy tale. Our Government prohibits the commonly used and commonsense business practice of allowing employees to transfer their annual leave between each other during emergency personal situations.

This is the rule—regardless of the fact that the cost of employee annual leave is already budgeted into an agencies' appropriations for the year. And allowing Federal coworkers to transfer their annual leave between each other for such justifiable and extraordinary situations is budget neutral. Companies that have incorporated such plans into their leave policies have had no problem in finding employees willing to donate a portion of their leave. They've even reported that the program has fostered a renewed spirit of teamwork and cooperation in their offices, leading to increased amounts and quality of office production.

I became aware of this regulation only within the past month, after being informed of the plight of a constituent, Nancy L. Brady. Nancy has not only courageously battled cancer for over 2 years but she's also been forced to contend with the Federal bureaucracy for relief—a frustrating task, at best, when one is healthy. That's why I have introduced H.R. 2902, a private bill which would allow Nancy to receive transferred annual leave from her coworkers.

Passage of this legislation will help Nancy with her problems. But the problem won't really end here because this is not an isolated incident: There are literally hundreds of Federal employees that are faced with situations similar to Nancy's. They could all benefit from such a program. But what has been the Federal response?

The Office of Personnel Management is conducting a feasibility study toward universal implementation of such a plan. Hundreds of affected workers applied. Three were chosen to participate. Three.

Now, it will be at least 6 months until the conclusions of OPM's study are known. But I've spoken with OPM and they've told me that their program is virtually running itself. Mr. Speaker, we can already determine what conclusions OPM will reach—the evidence and employee support for the program is already overwhelmingly in favor of universal application.

So I'm here today to urge my colleagues to join me in cosponsorship of H.R. 2487, Congressman WOLF's legislation that would allow OPM to universally apply the leave-sharing program. There are too many people out there suffering needlessly. The problem is apparent and the solution won't cost the Government a single penny. But it would be priceless to Nancy L. Brady and those Federal workers who are being denied access to the relief this program would offer.

THE TRAGEDY OF THE INVA- SION OF CZECHOSLOVAKIA IS STILL WITH US

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BROOMFIELD. Mr. Speaker, 19 years ago, Soviet troops marched into Czechoslovakia and snuffed out that country's experiment with liberalization. Since that brutal invasion, Czechoslovakia has been kept under the thumb of the Soviet Union. If Mr. Gorbachev is the great reformer that he claims to be, now is the time for him to withdraw Soviet troops from that country and allow that closed society to breathe the fresh air of freedom.

We all remember that tragic day in 1968 when thousands of Soviet and Warsaw Pact troops invaded Czechoslovakia. The Kremlin leaders could not accept the flame of democracy that had begun to burn among the Czechoslovak people. Since then, over 80,000 heavily armed Soviet troops have been stationed in that country. The Soviet Army, the Czechoslovak Army, and a powerful internal security force maintain almost total control over the Czech people.

The violation of the human rights of those freedom-loving people occurs on a daily basis. Czech Government officials make free use of various forms of repression including house searches, detentions, and interrogations. Government security officials conduct intrusive surveillance and other forms of psychological pressure on anyone who "steps out of line." Opponents of the current regime face discrimination in employment and may have educational opportunities denied to their family members. Religious activists and groups which monitor human rights abuses in that country are particularly subjected to heavy repression.

Over the years, the Czech Communist regime has purged the party, the state, the economy, the arts, the universities, and the media of anyone who dares to speak critically or independently about politics.

In order to prevent their own citizens from escaping from the police state, Czechoslovak border guards have killed a number of Czechs and others from various Eastern European countries attempting to escape across the border to Western Germany.

Gorbachev should take this opportunity to fulfill the promises of glasnost. If glasnost is more than words, now is the time to show the world. This is the time for the Soviet leader to withdraw Soviet forces from Czechoslovakia and let the Czech people experience the new "openness" of the Gorbachev era. Actions, not mere promises, will give Mr. Gorbachev the credibility that he is seeking.

HONORING THE MEMORY OF WALTER HAWRYLAK

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the memory of Walter Hawrylak. Mr. Hawrylak, a resident of Irondequoit, NY, was a supreme advisor of the Ukrainian National Association [UNA] and a leader in the Ukrainian community of Rochester, NY, for over 30 years. On July 25, 1987, Walter Hawrylak died at the age of 74.

Mr. Hawrylak emigrated to the United States from Rohatyn, Ukraine, in 1939. After arriving in Rochester, NY, he taught himself English by using a dictionary. In recalling his first glimpse of America, Mr. Hawrylak once said "We went past the Statue of Liberty * * *. I had read about it, knew that it stood for liberty. It was so big, everything was so big, so new, so impressive."

When his new homeland called on him to fight in the U.S. Army during World War II, Mr. Hawrylak was quick to serve. He fought in Italy with the 88th Division "Blue Devils" where he was wounded by mortar fire. After 2 months' recovery, Mr. Hawrylak returned to the front line to fight for his new country. Once out of the Armed Services, he worked for the postal service for 22 years before retiring in 1977.

True to the spirit of the American melting pot, Mr. Hawrylak actively kept his Ukrainian

roots alive throughout his lifetime. He was manager and treasurer of the Rochester Ukrainian Federal Credit Union, an organization he helped establish in the 1950's. The Ukrainian Civic Center, the Rochester District of the New York State Credit Union League, and other local community organizations prospered under Mr. Hawrylak's leadership.

Mr. Hawrylak was also secretary of the UNA Branch 316 for 31 years, was an 18-time member of the UNA Champions Club, and was elected a UNA supreme advisor in 1982 and reelected in 1986. During the years of his fraternal activity, Mr. Hawrylak is credited with having enrolled a total of 600 UNA members.

The death of Walter Hawrylak is a deeply felt loss to Ukrainian Americans across the country. His loving leadership and guidance will be especially missed by the Rochester community. It is fitting, Mr. Speaker, that we join today in honoring Mr. Hawrylak's extraordinary contributions to our community. May we also extend our condolences to the Hawrylak family.

FRAUD AMENDMENTS ACT OF 1987

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. CONYERS. Mr. Speaker, I introduce today the Fraud Amendments Act of 1987. The proposed legislation is designed to strengthen our Federal laws dealing with fraud, particularly the insidious fact of the abuse of political power.

On June 24, 1987, the United States Supreme Court decided *Charles J. McNally v. United States*, No. 86-234 and *James E. Gray v. United States*, No. 86-286. In these com-

panion decisions, the Supreme Court held, in the context of a political corruption prosecution in Kentucky, that the phrase "any scheme or artifice to defraud" within the Mail Fraud Statute, 18 U.S.C. 1341 (1982), did not include a "scheme or artifice to defraud" that did not seek to obtain "money or property" that belonged to the state government. As such, it rejected under the Mail Fraud Statute the so-called intangible rights doctrine, most often employed in political corruption prosecutions, which had been almost universally followed in the circuit courts of appeal. See, e.g., *United States v. Silvano*, 812 F.2d 754, 759 (1st Cir. 1987); *United States v. Von Barta*, 635 F.2d 999, 1005-06 (2nd Cir. 1980), cert. denied, 450 U.S. 998 (1981); *United States v. Mandel*, 602 F.2d 653 (4th Cir. 1979) (en banc), cert. denied, 445 U.S. 961 (1980); *United States v. Keane*, 522 F.2d 534 (7th Cir. 1975), cert. denied, 424 U.S. 976 (1976); *United States v. States*, 488 F.2d 761, 766 (8th Cir. 1973), cert. denied, 417 U.S. 909 (1974). This salutary doctrine was premised upon an underlying theory, reflecting the character of modern society, that a public official acts as "trustee for the citizens and the States and thus owes [to them] the normal fiduciary duties of a trustee, e.g., honesty and loyalty . . ." *Mandel*, 591 F.2d at 1363. Indeed, in *Mandel*, a prosecution of the former governor of Maryland for "selling" racing days for horse tracks to his hidden partners, the Fourth Circuit confidently asserted:

"[T]here can be no real contention that . . . schemes to defraud a state and its citizens of intangible rights, e.g., honest and faithful government, may not fall within the purview of the mail fraud statute." *Id.* at 1362.

For the tragic story of the corruption of Mandel and his ignominious fall from grace, see *W. Manchester, Thimble Riggers* (1984); the similar story of Otto Kerner, the former governor of Illinois and judge of the Seventh

Circuit, albeit told with little sympathy for the prosecution, is related in *H. Messick, The Politics of Prosecution* (1978). Essential to the "intangible rights" doctrine has been the notion that it is not necessary to show that the public or other body "lost" something in a narrow financial sense; it is sufficient to show a "loss . . . of . . . good faith services" by the fiduciary. *Silvano*, 812 F.2d at 760.

The rejection by the Supreme Court of the "intangible rights" doctrine under the Mail Fraud Statute is a crippling blow to the ability of Federal law to curtail political corruption in the United States, particularly at the State and local level. Among the recent prosecutions that may be adversely affected by these decisions are the convictions in New York of Stanley M. Friedman, the former Bronx Democratic leader, Joseph M. Margiotta, the former Nassau County Republican leader, Jack E. Bronston, a former New York State Senator, and Jay C. Turoff, a former chairman of the New York Taxi and Limousine Commission. I cite only a few examples. In fact, the list is long, and it extends to all areas of the Nation. Accordingly, Congress must act now to reverse, at least for the future, the deleterious impact of these two most unfortunate decisions.

Mr. Speaker, the 1970's and 1980's witnessed an unprecedented series of public corruption investigations and prosecutions by the Federal Government. A President left office in disgrace; a Vice-President was convicted of abuse of position; a Supreme Court Justice resigned under a cloud of suspicion; Cabinet officers, Senators, Congressmen, Federal judges, Governors and Lieutenant Governors, State judges, assorted mayors, State legislators, sheriffs and police officials were all indicted and convicted by a reinvigorated Federal law enforcement presence. The basic data are staggering. See the 1987 Almanac at 802:

FEDERAL PROSECUTIONS OF PUBLIC CORRUPTION: 1975 TO 1984

(Prosecution of persons who have corrupted public office in violation of Federal Criminal Statutes as of Dec. 31, 1984)

Prosecution status	1984	1983	1982	1981	1980	1979	1978	1977	1976	1975
Total ¹ Indicted.....	936	1,073	729	878	721	687	557	507	563	255
Convicted.....	934	972	671	730	552	555	409	440	380	179
Awaiting trial.....	269	222	186	231	213	187	205	210	199	27
Federal officials: Indicted.....	408	460	158	198	123	128	133	129	111	53
Convicted.....	429	424	147	159	131	115	61	94	101	43
Awaiting trial.....	77	58	38	23	16	21	42	32	1	5
State officials: Indicted.....	58	81	49	87	72	58	55	50	59	36
Convicted.....	52	65	43	66	51	32	56	38	35	18
Awaiting trial.....	21	26	18	36	28	30	20	33	30	5
Local officials: Indicted.....	203	270	257	244	247	212	171	157	194	139
Convicted.....	196	226	232	211	168	156	127	164	100	94
Awaiting trial.....	74	61	58	102	82	67	72	62	98	15

¹ Includes individuals who are neither public officials nor employees, but who were involved with public officials or employees in violating the law, now shown separately. NOTE.—represents zero. Source: U.S. Department of Justice, Federal Prosecutions of Corrupt Public Officials 1970-1980, and Report to Congress on the Activities and Operations of the Public Integrity Section annual.

The scope of these prosecutions calls to mind the sad commentary of Livy, the Roman historian, "Roman was originally, when poor and small, a unique example of austere virtue; then it corrupted, it rotted, it slowly absorbed vices." *T. Livy, "History of Rome" i* (1854). A mainstay of this federal effort is—or was—a crucial group of federal fraud statutes. See, e.g., §§ 371 (conspiracy to defraud the United States), 1341 (mail fraud), 1343 (wire fraud), 2314 (travel fraud).

The Mail Fraud Statute, the prototype of the group, dates back to 1872. Act of June 8, 1872, ch. 335, sections 149 and 301, 17 Stat. 302 and 323. It was originally aimed at the "operation of lottery gamblers through the postal service." Note, *Intangible Rights Doctrine and Political Corruption Prosecutions under the Federal Mail Fraud Statute*, 47 U. Chi. L. Rev. 562, 567 (1980). The statute, however, was drafted in general, not specific, language. Until the Supreme Court's decisions

in *McNally* and *Gray*, the statute had always been read broadly to reflect its expansive language and to implement its remedial purpose. See, e.g., *United States v. Maze*, 414 U.S. 395, 399 n.4 (1974) (Rehnquist, J.) ("While obviously not directed at credit card frauds as such [its language] is sufficiently general . . . to include them if the requirements of the statute are otherwise met"). Since its initial construction by the Supreme Court at the turn of the century, it had not, moreover, been limited—for good reason—to common law fraud.

Durland v. United States, 161 U.S. 306, 313-14 (1896) (not limited to statements of present fact). In contrast, common law fraud had had a sharply stunted development as part of the growth in a society dominated by a philosophy of *laissez faire* and *caveat emptor* of the law of larceny, which was aimed, at first, "to prevent breaches of the peace rather than . . . protecting property from wrongful appropriation." W. LaFare and A. Scott, "Criminal Law" 702 (2nd ed 1986). Justice Stephen summed up the early common law attitude well, "[A]gainst open violence people ought to be protected by law, but . . . they could protect themselves against breach of trust by not trusting people." "A History of the Criminal Law of England" 124 (1883). As late as 1761, Lord Mansfield, in fact, dismissed an indictment for fraud, castigating instead the plaintiff for his own carelessness in the market place. II W. Russell, "A Treatise on Crimes and Misdemeanors" 522 (1877). The defects in common law of larceny, which did not, as such, reach fraud, had to be remedied by statute. Parliament acted in 1757, and it prohibited obtaining property by false pretenses. 30 Geo. III c. 24 (1757). Nevertheless, as befiting the 18th century, the central, although not exclusive, focus of the law of fraud was on the protection of tangible property. Largely ignored were intangible rights or broader conceptions of breaches of trust, which are far more significance to a modern society. When the Supreme Court, however, decided *Durland* in 1896, it farsightedly freed the development of the Federal law of fraud from this property-based and crabbed common law history. See, e.g., *United States v. Goldblatt*, 813 F. 2d 619, 624 (3rd Cir. 1987) ("term 'scheme to defraud' . . . is not capable of precise definition fraud . . . is measured . . . by . . . departure from fundamental honesty, moral uprightness, or fair play and candid dealing. . ."); *United States v. Bonansinga*, 773 F. 2d 166, 173 (7th Cir. 1985) ("Congress has decided not to define . . . [it] because the range of potential schemes is as broad as the criminal imagination"), *cert. denied*, 106 S. Ct. 2281 (1986); *Weiss v. United States*, 122 F. 2d 675, 681 (5th Cir.) ("The law does not define fraud; it needs no definition; it is as old as falsehood and as versatile as human ingenuity"), *cert. denied*, 311 U.S. 687 (1941). As such, the Mail Fraud Statute became the "first line of defense" of the Federal law against modern forms of fraudulent activity. *United States v. Maze*, 414 U.S. at 405 (Burger, C.J. in dissent). The Supreme Court's decisions in *McNally* and *Gray*, therefore, turn back the Federal law of fraud to an unwisely narrow conception of the proper scope of the interests to be protected, which is wholly inadequate to a 20th century society.

IV

Mr. Speaker, the *McNally* and *Gray* decisions potentially threaten, not only to undercut mail fraud prosecutions, but also to affect other similarly worded statutes or administrative regulations in the Federal law. They portend ill, for example for a decision that will be handed down next term, *United States v. Carpenter*, 791 F. 2d 1024, 1034-35 (2d Cir.), *cert. granted*, 107 S. Ct. 666 (1986). *Carpenter* deals with the breach of fiduciary relations concept in the context of the misappropriation

theory under the Federal security laws and rule 10b-5, which was adopted by the Securities and Exchange Commission to implement section 10b of the Security Exchange Act of 1934, 15 U.S.C. § 78j. Rudolph W. Giuliani, the U.S. attorney in Manhattan, sadly observed of *McNally* and *Gray*. "A theory of prosecution is no longer available to us. On insider trading cases, we're going to have to allege and prove specific loss of money [which will be difficult]." N.Y. Times, June 29, 1987, at 24, col. 1. The misappropriation theory was at the heart of a number of Giuliani's pending insider trading investigations on Wall Street. Current law, reflected in such important prosecutions as *United States v. Newman*, 664 F. 2d 12 (2d Cir. 1981), *cert. denied*, 464 U.S. 863 (1983), must be safeguarded, at least for the future. As such, we must act legislatively to remedy *McNally* and *Gray*, not only under the Mail Fraud Statute, but elsewhere. See, e.g., 7 U.S.C. § 60; 15 U.S.C. §§ 77q; 78jj; 80b-6; 1703; 18 U.S.C. §§ 1341, 1343, 1344, 2314. Appropriate change, if necessary, ought to be made, too, by the various administrative agencies under the regulations entrusted to their care.

V

Fortunately, the Supreme Court has not told us that we cannot write a statute embodying the "intangible rights" doctrine. As it cut the theory out of "scheme or artifice to defraud" within the Mail Fraud Statute, it expressly recognized that it was fully applicable to the comparable language in 18 U.S.C. § 371 (1982) ("defraud"). See, e.g., *Haas v. Henkel*, 216 U.S. 462, 479 (1910). Justice White merely suggested for the majority of the Court that if Congress wanted to go further under the Mail Fraud Statute than the limited common law protection of property "it must speak more clearly than it has."

I, for one, do not believe that the original text of the Mail Fraud Statute was ambiguous. I agree with Justices Stevens and O'Connor, who suggested, in dissent, that the phrase "scheme or artifice to defraud" in context was broad, but not ambiguous. I also agree with them that the phrase originally had no "tangible rights" limitation built into it. I do not believe, in short, that "tangible loss" is of the essence of fraud. Such a rule might write, for example, into Federal law the so-called "Agnew defense." Former Vice President Spiro T. Agnew defended his conduct in 1972 by saying that no crime had been committed, since he had not altered his public conduct in response to the money he took, so no one was "injured." R. Cohen & Witcove, "A Heartbeat Away" 349 (1974) ("I deny that the payments in any way influenced my official actions.") Agnew was eventually sued under a constructive trust, accounting, and breach of fiduciary duty theory; the suit was successful. *Agnew v. State*, 51 Md. App. 614, 466 A2d 425 (1982). I see no reason to give corrupt public officials an "Agnew defense" under the Federal fraud statutes.

I add another consideration. Congress itself is not unaware of the developments of legal doctrine. The Judiciary Committee, which authorizes funds for the Department of Justice, is now—and has been—fully aware—and supportive—of the Department of Justice' efforts to prosecute political corruption at the Feder-

al, State, and local level. I, for one, have applauded the FBI's efforts since the death of its former director to turn away from chasing kids who steal cars and focus on adults who commit white-collar crimes. If the Department of Justice was wide of the mark in its legal theory in these prosecutions, voices would have been heard in this body calling it to task. We have not only been silent; we have supported the Department of Justice's prosecutive policies, at least in this area of the law. There is little in the area of civil rights that I can say anything charitable about. But I applaud its prosecutions in white-collar crime area, including political corruption and insider trading.

I conclude here by associating myself with another pointed comment of Justice Stevens. I, too, cannot understand why a majority of the Supreme Court reached out for this particular result in this particular prosecution. Justice Stevens observed:

"[T]he Court has made a serious mistake. [Because it may be mitigated does] not erase my lingering questions about why a Court that has not been particularly receptive to the rights of criminal defendants in recent years has acted so dramatically to protect the elite class of powerful individuals who will benefit from this decision."

Justices Stevens and O'Connor were lonely voices, who could only vote against the Court's determined majority. We can—and should—vote to reverse these unwise decisions.

IV

Mr. Speaker, the impact of white collar crime, particularly political corruption, on our society cannot be understated. It is not limited either to economic damage, as the court apparently believed. It is not just the loss of money or property, which is important, although that figure may be as high as \$200 billion. "Annual Report of U.S. Attorney General" 42 (1985). Writing in 1967, the President's Crime Commission observed:

"[W]hite-collar crime—now commonly used to designate those occupational crimes committed in the course of their work by persons of high status and social repute . . . [is] only rarely dealt with through the full force of criminal sanctions."

During the last few centuries economic life has become vastly more complex. Individual families or group of families are not self-sufficient; they rely for the basic necessities of life on thousands or even millions of different people, each with a specialized function, many of whom live hundreds of thousands of miles away.

Serious erosion of morals accompanies [the white-collar offender's] violation. [Those who so] flout the law set an example for other businesses and influence individuals, particularly young people, to commit other kinds of crime on the ground that everybody is taking what he can get.

"The Challenge of Crime in a Free Society," 47-48 (1967). It is no good telling people, as the common law did, to avoid breaches of trust by not trusting others. That common law attitude is fundamentally flawed. Today, each of us depends on government officials, insurance companies, bankers, stock brokers, law-

yers and accountants to provide us faithful service in our everyday lives. Modern society is held together by bonds of trust. The law must recognize, too, that wealth today is no longer held in only gold. Information may be worth more than precious metal. More illicit profit can be made, in short, on Wall Street by a single theft of inside information than can be stolen by robbing a Brinks truck with a gun. In addition, loss of property is not what is to be feared most. Abuse of trust in an interdependent society—whether of governmental character or otherwise—is far more threatening to our most basic and important values. If the Government is corrupt, for example, we will not be either Republican or Democratic, but plutocratic. No public policy value—liberal or conservative—can be implemented in a society tainted by political corruption. It is not stealing public money that we must fear most; it is the abuse of public power and the betrayal of public trust. President Theodore Roosevelt said it well long ago:

There can be no crime more serious than [public corruption]. Under our form of Government all authority is vested in the people and by them delegated to those who represent them in official capacity. There can be no offense heavier than that of him in whom such a sacred trust has been reposed, who sells it for his own gain. * * * He is worse than the thief, for a thief robs the individual, while the corrupt official plunders an entire city or State. He is as wicked as the murderer, for the murderer may only take one life against the law, while the corrupt official . . . aim[s] at the assassination of the commonwealth itself.

"IX Presidential Messages and State Papers" 3048 (M. Muller ed. 1917).

Mr. Speaker, I ask that the text of the bill appear in the RECORD following my remarks.

H.R. 3099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fraud Amendments Act of 1987".

SEC. 2. INTANGIBLE RIGHTS AND BREACHES OF FIDUCIARY RELATIONSHIPS.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by inserting at the end thereof the following new section:

"§7 'Fraud' or 'defraud' as including fraud involving intangible rights and breaches of fiduciary relationships

"The term 'fraud' or 'defraud' includes defrauding another—

"(1) of intangible rights of any kind whatsoever in any manner or for any purpose whatsoever; or

"(2) by using material private information wrongfully stolen, converted, or misappropriated in breach of any statutory, common law, contractual, employment, personal, or other fiduciary relationship."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"7. 'Fraud' or 'defraud' as including fraud involving intangible rights and breaches of fiduciary relationships."

EXTENSIONS OF REMARKS

SEC. 3. CONSTITUTIONAL BASIS.

This Act is enacted on the basis of the following Articles of the Constitution of the United States:

(1) Article I, section 1 (legislative power).

(2) Article I, section 8 (specific powers and those necessary and proper thereto).

(3) Article IV, section 4 (republican form of government).

SEC. 4. CONSTRUCTION.

This Act shall be broadly construed to achieve its remedial purpose.

TO AMEND THE CLAYTON ACT TO LIMIT MERGERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing the Merger Limitation Act of 1987. The goal of this legislation is to slow down the pace of megamergers which are running rampant in our country. Present laws encourage giant mergers, while blunting America's competitive edge. This bill will require an affirmative test for megamergers, by making certain that large acquiring corporations demonstrate that a merger manifestly advances the national interest. Thus the buyer would have to prove to either the Federal Trade Commission or the Attorney General that the acquisition would not substantially reduce competition, would enhance operating efficiency and international competitiveness, and would promote the welfare of the affected employees and local communities.

Currently, billion-dollar corporations are roaming the forest of hostile takeovers, stalking and bagging one another. The only ones who benefit from the hunt are the paper shufflers on Wall Street who put these deals together. The victims in the hunt are American workers, communities, and the economy.

"Bigness is not a sign of strength. In fact, just the opposite is true," Martin Davis, president of Gulf & Western recently said. Most megamergers are simply not in the national interest. Studies show that they do not result in the creation of new products; they do not produce greater efficiency; they do not provide more jobs. For example, in 1986 there were \$177 billion in mergers and acquisitions. This represents more money than was spent on all plant and equipment purchased by all manufacturing companies throughout the United States—\$140 billion. In 1986 American corporations sold \$263 billion worth of debt which is five times more than in 1982. In 1986, over \$32 billion takeover deals took place in America. Seventeen of them, involving \$41 billion, were the result of hostile bids. Almost 40 percent of all corporate marriages of the 1960's and the 1970's have ended in divorce. Some 80,000 jobs of members of unions affiliated with the AFL-CIO have been lost in recent raids. Bidders, on average, experience and immediate and sharp decline in profitability.

Studies indicate that corporate giantism and gargantuan acquisitions tend to create bloated, timid, and unimaginative corporations. Ironically, this is precisely what business so often decries in the Federal bureaucracy. Megacorpor-

ations tend to act in ways that undermine good economic performance and harm the American economy by, for example, reducing technological innovation; incurring large debt; reducing cash or engaging in unnatural company restructuring to make themselves less attractive as a takeover target; expending funds for acquisitions which could be utilized to increase American productivity; acting in ways to maximize short term profitability or cash flow rather than long-term productivity; and behaving without regard to the hardships created in local communities.

How does my legislation propose to slow down the pace of megamergers and promote American competitiveness? This bill amends section 7 of the Clayton Act by barring a corporation from acquiring more than 10 percent of the stock or assets of any billion-dollar corporation unless an affirmative test can be met. Thus, the Federal Government would allow large corporate mergers only when they clearly strengthen our economy and result in competitive and social advantages.

We should not forget basic fact: the marketplace works best when no giants dominate and competition is allowed to flourish. My legislation will help to focus business energies on creative, competitive decisionmaking rather than on counterproductive financial board games. I believe it's time that Congress stepped in and formulated the rules of giant acquisitions. I am requesting your cosponsorship of the Merger Limitation Act of 1987.

The text of the bill follows:

H.R. 3090

A bill to amend the Clayton Act to limit mergers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be known as "The Merger Limitation Act of 1987".

SEC. 2. FINDINGS.

The Congress of the United States finds as follows:

(1) Mergers of very large companies particularly, unfriendly takeovers, are presumptively not in the national interest.

(2) such mergers, and the threat thereof, have caused and are causing companies—

(A) to reduce technological innovation, incur debt, and reduce cash or engage in unnatural company restructuring, to make themselves less attractive as a takeover;

(B) to expend funds for acquisition instead of using funds to increase United States productivity;

(C) to act to maximize short-term profitability or cash-flow rather than long-term productivity, including—

(i) to discharge employees, often without adequate provision for retraining, relocation, pension benefits, and severance allowances; and

(ii) to close or consolidate facilities with little or no attention to the hardships created in the communities involved; and

(D) to incur large debt in order to finance the merger, resulting in—

(i) a loss in competitiveness because of the costs associated with the debt; and

(ii) unnecessary and illogical divestiture of divisions or subsidiaries, reduction of research efforts, and procurement of supplies overseas, in order to reduce the debt.

SEC. 3. LIMITATION ON MERGERS.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end thereof the following: "No person shall, directly or indirectly, acquire more than 10 percent of the stock (or other share capital) or assets of another person which had, in the calendar year preceding such acquisition, assets or gross sales exceeding \$1,000,000,000 in value unless the acquiring person receives, before such acquisition, a certificate issued under section 7B with respect to such acquisition."

SEC. 4. NOTIFICATION REQUIREMENT.

Section 7A(d)(1) of the Clayton Act (15 U.S.C. 18a(d)(1)) is amended by inserting after "information" the following: ", including a list identifying each community in which the person to be acquired employs 500 or more individuals and a list identifying each certified representative of 1,000 or more employees of the person to be acquired".

SEC. 5. ISSUANCE OF CERTIFICATE.

The Clayton Act (15 U.S.C. 12 et seq.) is amended by inserting after section 7A the following:

"Sec. 7B. (a) The Assistant Attorney General or the Federal Trade Commission shall, not later than five business days after receiving a completed notification required under section 7A(a) or a request for the issuance of a certificate under this section, determine whether a certificate is required by section 7 to be issued before the occurrence of the acquisition with respect to which such notification or such request is received. The determination shall specify the identity of the acquiring person and of the person whose stock (or other share capital) or assets are to be acquired.

"(b) Not later than two business days after making an affirmative determination under subsection (a), the Assistant Attorney General or the Federal Trade Commission shall publish the same to all interested parties. The Assistant Attorney General or the Federal Trade Commission shall also publish to all interested parties a list of communities in which 500 or more employees of any person to be acquired are employed (hereinafter in this section referred to as 'interested community parties') and a list of certified representatives of 1,000 or more employees of the party to be acquired (hereinafter in this section referred to as 'interested representative parties').

"(c)(1) Not later than five business days following publication of an affirmative determination by the Assistant Attorney General or the Federal Trade Commission to an interested party, such interested party shall file with the Assistant Attorney General or the Federal Trade Commission a declaration indicating whether such party is a proponent or opponent of the acquisition. No interested community or representative party which does not so file such a declaration may participate in any proceeding with respect to such acquisition under this section except for good cause shown.

"(2) A community or certified representative may also participate, after filing a declaration, if it establishes that it is an interested party but that the affirmative determination was not published to it.

"(3) Ten business days after the affirmative determination is made, the Assistant Attorney General or the Federal Trade Commission shall publish to all interested parties the schedule of the proceedings for determining whether a certificate is required to be issued under this section.

"(4) If no acquiring person or person to be acquired declares itself a proponent of the acquisition, a certificate may not be issued with respect to such acquisition.

"(5) The burden of persuading the Assistant Attorney General or the Federal Trade Commission to issue a certificate shall be on the proponents of the acquisition.

"(d) The Assistant Attorney General or the Federal Trade Commission shall issue a certificate if the proponents of the acquisition involved establish that—

"(1) such acquisition will not substantially lessen competition;

"(2) on balance, the acquisition will create long-range efficiencies (not including advertising or brand name differentiation efficiencies) in the product or service and geographical markets in which the person to be acquired competes;

"(3) on balance, the acquisition will be of long-range benefit to United States consumers of the products or services which the person to be acquired sells or provides;

"(4) on balance, either—

"(A) the acquisition will benefit employees of the person to be acquired; or

"(B) reasonable provisions have been made for their welfare consistent with achieving the efficiencies described in paragraph (2) and the benefits described in paragraph (3); and

"(5) on balance and after consideration of benefits, if any, to other communities, the impact on interested community parties is not unreasonably detrimental and is consistent with achieving the efficiencies described in paragraph (2), the benefits described in paragraph (3), and the benefits described in paragraph (4).

"(e) In making the determinations required by subsection (d) the Assistant Attorney General or the Federal Trade Commission shall consider—

"(1) whether the proposed acquisition would be detrimental to the national defense;

"(2) whether such acquisition would inhibit technological innovation;

"(3) whether such acquisition would benefit foreign competition;

"(4) the nature and extent of the impact such acquisition would have on interested community parties and on other communities;

"(5) whether such acquisition would result in labor contracts limiting maximization of an employee's services;

"(6) whether the acquiring person or person to be acquired committed illegal acts, including any violation of the antitrust laws and the laws relating to the securities, in the 10-year period ending on the date a determination is made under this section;

"(7) the market performance of acquiring person, and the person to be acquired, within such 10-year period;

"(8) the performance of the person to be acquired within such 10-year period in the United States markets for its goods and services when compared with other persons competing in those markets;

"(9) the reasonableness of the salaries of, terms and conditions of, and agreements applicable to the officers and directors of the person to be acquired, and a comparison thereof with norms in the United States, generally, and with those of other persons competing in the United States markets of the person to be acquired;

"(10) whether the acquiring person has filed with the Assistant Attorney General or the Federal Trade Commission a binding commitment to treat all pension benefits of

employees of the person to be acquired, under pension benefit plans (as defined in Employee Retirement Income Security Act of 1974) as vested if such employees are terminated without clear and convincing cause within two years after the acquisition, and what, if any, binding commitments the acquiring person has filed with the Assistant Attorney General or the Federal Trade Commission regarding retraining, relocation, and severance allowances for employees of the person to be acquired;

"(11) the probable impact in terms of the operation or restructuring of the person to be acquired, of any debt the acquiring person has obtained, has agreed to obtain or it may reasonably be supposed the acquiring person must necessarily obtain, to finance the acquisition;

"(12) whether the acquiring person has filed with the Assistant Attorney General or the Federal Trade Commission a binding commitment not to sell, directly or indirectly, to the person to be acquired any shares of, or interest it may own or have the right to acquire in, the person to be acquired;

"(13) the performance during such 10-year period of the person to be acquired in positioning itself for long-term growth in its markets, as opposed to maximizing short-term profits or cash-flow, and, in general, efficiencies of the management of the person to be acquired;

"(14) any other factor reasonably related to either the findings made by the Congress in section 2 of the Merger Limitation Act of 1987 or any issue specified in paragraph (1), (2), (3), (4), or (5) of subsection (d); and

"(15) any other factors prescribed by rule by the Attorney General or the Federal Trade Commission.

"(f) The Assistant Attorney General or the Federal Trade Commission shall issue, and transmit to the President, an order granting or denying a certificate within ninety business days after making the determination under subsection (a). The order shall make a finding on each of the issues specified in paragraphs (1) through (5) of subsection (d) which shall summarize the evaluation of whatever evidence has been introduced and which is relevant to each of the matters specified in paragraphs (1) through (15) of subsection (e), stating how the evaluation of the evidence relevant to each matter affects the issues specified in paragraphs (1) through (5) of subsection (d).

"(g) The certificate, if granted, shall be effective as of the close of business on the tenth business day following its issuance.

"(h) Any injured employee shall have a private right of action for breach of a commitment filed under subsection (e)(10) and any injured shareholder, partner, or participating member of any person to be acquired shall have a private right of action for breach of a commitment filed under subsection (e)(12), for compensatory damages and, if successful, costs (including a reasonable attorney's fee). Reasonable punitive damages may be awarded upon proof of a willful breach thereof.

"(i) After a hearing on the record, the Attorney General and the Federal Trade Commission shall issue jointly rules necessary or appropriate to effectively administer this section.

"(j) For purposes of this section and section 7A—

"(1) the term 'business day' means a day other than Saturday, Sunday, or a Federal legal holiday;

"(2) the term 'certified' means designated or selected for collective bargaining, as described in section 9(a) of the National Labor Relations Act;

"(3) the term 'interested parties' includes all acquiring persons, all persons to be acquired, all interested community parties, and all interested representative parties; and

"(4) the term 'person to be acquired' means the person whose stock (or other share capital) or assets are to be acquired."

SEC. 6. EFFECTIVE DATE; ISSUANCE OF RULES.

(a) **EFFECTIVE DATE.**—The amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

(b) **ISSUANCE OF RULES.**—Not later than 90 days after the date of the enactment of this Act, the Attorney General and the Federal Trade Commission shall publish jointly in the Federal Register proposed rules to carry out the amendments made by this Act.

WILLIAM J. KOZERSKI
HONORED BY LIONS CLUB

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an outstanding citizen, Mr. William J. Kozerski, who is being honored by district 14-W of the Lions International Club for his dedicated leadership as district governor and his many years of service to the Lions.

Born and raised in Plains Township, PA, Bill Kozerski attended public schools in Plains and graduated with a degree in business administration from King's College. He married another Plains native, Shirley Logan, and together they have six children.

Mr. Kozerski has been a dedicated member of the Plains Lions Club, having served as president, first, second, and third vice president, treasurer and tailwister. He has received two International Presidents' Certificates of Appreciation, as well as several awards from district governors. Active for 11 years on the district cabinet, Mr. Kozerski has been a member of the Lionews staff where he was advertising manager and coeditor.

In addition to his devotion to the Lions Club, Bill Kozerski is active in many other civic organizations in the Plains area. He has served as president of the Hilldale Community Center, chairman of the Plains Blood Bank Executive Committee, president of the St. Francis Holy Name Society, and is a member of the Plains American Legion.

Mr. Speaker, it is citizens like William J. Kozerski, giving selflessly of their time and energy to their communities, who make this Nation great. I am pleased to draw the attention of my colleagues in the House of Representatives to the dedicated public service of William Kozerski, and I join his fellow members of the Lions International Club in honoring him.

EXTENSIONS OF REMARKS

TRIBUTE TO JAMES PACHECO

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. GARCIA. Mr. Speaker, I rise today in praise of a constituent of mine, James Pacheco. As a caring citizen of New York City, Mr. Pacheco nearly lost his life while trying to prevent a woman from being assaulted by five young men.

As Mr. Pacheco was waiting at the 160th Street subway station late one night in June of this year, he noticed a group of five young boys approach a woman sitting next to him, asking for her money. Mr. Pacheco rose to defend her from the aggressors and a physical altercation ensued. He was thrown to the floor and shot once below his right shoulder.

Mr. Pacheco managed to get into the train and inform the conductor about the incident. The police were notified and Mr. Pacheco was transported to the hospital, where the bullet, located only a few inches away from his heart, was extracted.

The city of New York has had the reputation of being, not only a dangerous city, but also one in which its citizens have become frivolous and apathetic to the situation in the streets. I rebuke this false generalization by applauding Mr. Pacheco, and the few like him, that not only have respect for human life, but most importantly will come to the aid of their neighbor regardless of the dangers that might be present. Mr. Pacheco, I admire and praise your kindness and most of all, your concern for others.

SOVIETS USE EXCUSE OF SECRECY TO DENY RIGHT OF EMIGRATION

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. CLARKE. Mr. Speaker, one of the pretexts used by the Soviet bureaucracy to deny human rights to Soviet citizens is the allegation that an individual possesses state secrets. Soviet authorities often used this excuse to try to justify the exile of Dr. Andrei Sakharov to the closed city of Gorky.

The alleged knowledge of state secrets has also been used repeatedly to deny several dozen people the right to emigrate. In 1985 General Secretary Gorbachev said publicly that access to secrets should not keep anyone from emigrating for more than 5 to 10 years after the end of sensitive employment. Yet his subordinates continue to hold back people whose "secrets" are 10, 20, even 30 years old, or who never really knew any secrets at all. Is it a coincidence that many of these people happen to be vocal advocates of the right of Soviet Jews to emigrate?

Prof. Naum Meiman, who tragically lost his wife to cancer a few weeks ago, was an early associate of Dr. Sakharov in the Helsinki Monitor group in Moscow. Professor Meiman did theoretical work in physics over 30 years ago.

Recently the Soviet authorities once again denied him the right to emigrate because of his knowledge of these "secrets" of the 1950's.

Another eminent scientist who applied to emigrate was Dr. Alexander Lerner. After his first application to emigrate over 16 years ago, Dr. Lerner lost his position and was never again allowed access to any sensitive information. The Soviet authorities continue to tell him he cannot leave the country.

Lev Blitshteyn has also been told he cannot emigrate because he possesses state secrets. He has never been a scientist. Before he was fired for trying to emigrate, he was a butcher. There are many other Soviet Jews who have been denied emigration for having secrets, but whose secrets are outdated or who never worked in any sensitive position at all.

Mr. Speaker, I call upon Mr. Gorbachev to see that his bureaucracy carries out his own policy of placing a time limit on the denial of emigration for having secrets. He should also see that this reason is no longer used to keep butchers, elementary school teachers, and others with no state secrets from emigrating. The Soviet Union gains nothing by such cruel and arbitrary violations of human rights.

NATIONAL DAY OF REMEMBRANCE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. OWENS of New York. Mr. Speaker, I rise in strong support of House Joint Resolution 132 to designate a National Day of Remembrance for the victims of the Armenian genocide of 1915-23 because it is only in the act of remembering that the frail, frightened screams of the past can be heard and heeded in the present.

Heed them we must. Throughout the history of mankind, the silence and indifference of humanity to the persecution and slaughter of minority peoples has always spawned the replication of new atrocities elsewhere. And so tragically it was with the Armenian genocide. Noting the ease with which the Ottoman Empire was able to defy world opinion as it snuffed out the lives of millions of Armenians, Adolph Hitler was emboldened in his psychotic belief that no nation would act to prevent the annihilation of millions of Jews. Unmentioned, unnoted, and unprotested, the massacre of Cilicia, the pogroms of the Teshkileti Mahsusa, and the bloody edict of deportation helped inspire the master race madmen of the Third Reich to commit the most horrible crime in human history.

The corpses of millions of Armenians lie on the steps of civilization. They cannot be removed; they will not disappear. The crime cannot be undone and the only meaningful reparations which we today can pay is simply to remember and act to ensure that such carnage is never repeated. Vote to pass House Joint Resolution 132.

**THE HERSHEY FOODS CORP. IS
TO BE COMMENDED**

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. GEKAS. Mr. Speaker, most people associate the name Hershey with those delicious candy bars made by the Hershey Foods Corp. in Hershey, PA. But the Hershey Foods Corp. is also known nationally for its support of, and contributions to, the youth of our Nation.

August 15, 1987, will mark the 10th anniversary of Hershey's National Track and Field Youth Program. The program was, and still is, a playground program designed to introduce children to physical fitness through basic track and field events. Children are instilled with the attitude that having fun is more important than winning.

Hershey's Youth Program is open to boys and girls, ages 9 to 14, across the Nation. Approximately 2 million children have participated in the program since its inception, and we expect 250,000 children to compete this year. Several children have since gone on to become Olympians and professional athletes.

Mr. Speaker, the Hershey Foods Corp. is to be commended and recognized for the role it has played over the years in the development of our athletes. Hershey Foods' generous financial contributions to the Hershey Youth Program over the years, while maintaining a very low profile, is deserving of our honor and recognition.

Their efforts serve as an example for other individuals and corporations to invest in our children's future—for the children are our future. I would ask my colleagues in the U.S. Congress to join me in congratulating the Hershey Food Corp., their employees and the local meet volunteers for their efforts in helping to provide a quality program to the youth of America.

**SELF-DETERMINATION FOR THE
PEOPLE OF PALAU**

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. DELLUMS. Mr. Speaker, the hearings on the Iran-Contra scandal are coming to a close, and the Members of this Congress and the people of this Nation are trying to piece together what went wrong. We are trying to understand how it is that the will of the people, as expressed in the laws passed by their elected representatives, can be so callously and cynically subverted. Americans cannot afford to take for granted our right to democratic rule of law. We are rightly proud of this heritage and rightly angered when this sacred process is subverted or abused.

In broader terms, this Nation has stood in principle for the right of people not only in the United States, but people all over the world, to have the right of self-determination. Yet, today, the United States has taken what I believe to be the unfortunate position of oppos-

ing the clear will of the people of a small peace-loving island in Micronesia to determine for themselves how they wish to live their lives.

The people of Palau adopted by a 92 percent majority a constitution which bans the storage, testing, and disposal of nuclear materials within their territory without the approval of 75 percent of the votes cast in a referendum. The people of Palau have time and again reaffirmed their desire to live without nuclear weapons and waste in their environment. Yet over and over they are asked to vote to approve a compact of free association which does not comply with these important aspects of their constitution.

As chairman of the House Armed Services Subcommittee on Installations and Facilities, the implications and importance of the forward positioning of American military ships and Forces is not unknown to this gentleman. But what is also known, and firmly believed by this gentleman, is that the importance of the Palauans' declaration of their desire to live without nuclear weapons and waste in their midst is to be recognized and honored. As nuclear strategists pursue their war games and preparations for the ultimate act of insanity, they would do well to take note of the strong and determined statement of the people of Palau.

That a people may declare for themselves how their constitution shall read, how their land is to be used, and how they shall act or refuse to act in the geopolitical military strategies, is not contrary to, but is entirely consistent with the American commitment to the human right of self-determination.

**EXPLANATION OF VOTE ON
MEDICARE CATASTROPHIC
PROTECTION ACT: WE MUST
MAKE THE BEST POSSIBLE
USE OF OUR SCARCE HEALTH
CARE DOLLARS**

HON. ANTHONY C. BEILENSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. BEILENSEN. Mr. Speaker, on July 22 I voted against the Medicare Catastrophic Protection Act and would like to explain briefly my reasons for doing so. I agree, of course, with the stated intent of the bill—to help protect Medicare beneficiaries from catastrophic medical expenses—as well as with the progressive method of financing part of the additional benefits by basing the new supplemental premium on the ability to pay.

But H.R. 2740, as passed by the House, will cost \$10 billion a year by 1992—and possibly up to \$30 billion annually by 2005. Before we commit ourselves to spending such a huge additional amount of money, we ought to be sure we will be making the best possible use of our limited Federal health care dollars and assisting those who are most in need of Government help to pay their medical expenses. I don't think this bill will do either.

First, although the bill is titled the "Medicare Catastrophic Protection Act," in fact it will not protect Medicare recipients from what is by far the leading cause of catastrophic health care

expenses for our senior citizens—the immense costs of long-term unskilled nursing home and home health care. The cost of this care is what the elderly rightfully fear the most, and I am afraid a great many of them think that the bill we have passed, and the higher tax they will be paying, will safeguard them from these devastating long-term care costs that they see as most threatening, when this legislation does not even begin to cover these costs.

Second, in addition to the fact that the bill does not provide true catastrophic coverage, I am concerned that far too few Medicare recipients will benefit from the \$10 billion annually that they will be taxed. For example, one of the principal benefits provided in the bill is expanded coverage of hospitalization costs, but fewer than one-half of 1 percent of all Medicare recipients will actually use this extra benefit. Similarly, fewer than 10 percent of Medicare beneficiaries will be helped by the bill's additional coverage of their physicians' fees; only about 15 percent or 16 percent will be helped by the new coverage for the costs of prescription drugs; and only one-fortieth of 1 percent of all beneficiaries will use the additional skilled nursing home coverage that the bill provides.

Meanwhile, many Medicare beneficiaries will be paying large additional sums to underwrite this modest extra coverage: a person with an annual adjusted gross income of just \$15,000 will pay a new supplemental annual premium of \$580 starting next year, and by 1992 that fee will rise to more than \$1,000 per person a year. Many of the elderly are going to pay far more than they now realize for additional coverage, yet the vast majority will not use the extra benefits.

Third, there are other problems with the bill. Although Medicare will for the first time be paying billions of dollars for prescription drugs, H.R. 2740 fails entirely to control the price of the drugs that will account for at least one-third, and perhaps more than one-half, of the legislation's total cost. In addition, administering the drug portion of the bill will be enormously complex and costly: a huge amount of paperwork will be necessary to process literally tens of millions of prescriptions annually, so it is clear that a major portion of the drug program's cost will go not toward paying for prescription drugs, but for the personnel and paperwork that will be required.

Fourth, if at a time when circumstances mandate great fiscal restraint, we are going to increase Federal payments for health care by several billion dollars a year, we must choose our priorities very carefully. One goal, it seems to me, should be to work toward providing true catastrophic coverage for the elderly. Doing that will require us to face up to the fact that such coverage will be very expensive—at least \$25 billion a year. In the meantime, it seems foolish to tax our senior citizens \$10 billion a year merely to provide expanded coverage that most Medicare beneficiaries won't need and, more importantly, won't protect them against catastrophic costs. Taxing the elderly \$10 billion a year now will only make true catastrophic coverage that much more difficult and expensive to achieve later.

Another goal should be to protect from the devastation of catastrophic costs the nearly 40 million Americans who now have no health insurance at all. These are working men and women of all ages who are struggling to meet their families' basic needs, pay rent, and raise and educate their children. They face the risk of financial devastation in the event of a health catastrophe, and we could provide them with catastrophic insurance for just a few billion dollars a year.

The bill as currently written will, I think, prove to be a very expensive and inefficient way of spending our limited resources for additional health care. Before we spend \$10 billion just to expand noncatastrophic Medicare coverage, we should work to ensure that no person—young or old—will be destroyed economically by the exorbitant costs of long-term illnesses such as cancer, heart disease, stroke, and Alzheimer's disease. That would be a true and great benefit to many millions of Americans of all ages and would be a far better use of our limited tax dollars than the expensive additional coverage provided in H.R. 2740.

TRIBUTE TO RAOUL WALLENBERG ON HIS 75TH BIRTHDAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Raoul Wallenberg on his 75th birthday. As most of my colleagues know, Wallenberg is the Swedish diplomat who—at great personal sacrifice and through incredible courage and daring—saved 100,000 Hungarian innocent men, women, and children from Nazi death camps during World War II. In January 1945, he was taken prisoner by the Soviet Army and he has not been free since then. In October 1981, President Reagan signed my legislation making Raoul Wallenberg an honorary citizen of the United States, the only person at the time in addition to Sir Winston Churchill to be so honored.

Today on the steps of the U.S. Capitol, we held a celebration to mark the 75th birthday of this great humanitarian and to urge the Soviet Government to release Wallenberg from prison.

Mr. Speaker, a number of our distinguished colleagues joined me in paying tribute to Wallenberg—Senator CARL LEVIN of Michigan, a State where Raoul Wallenberg attended the University of Michigan; Congressman JOHN PORTER of Illinois, the cofounder and cochairman of the Congressional Human Rights Caucus; Congressman STENY HOYER of Maryland, the chairman of the Helsinki Commission, who has done so much to encourage observance of the Helsinki accords on human rights; Congressman BILL GREEN of New York; Congressman BILL LOWERY of California, who authored legislation naming the street in front of the U.S. Holocaust Memorial Museum "Raoul Wallenberg Place," Congressman JOHN MILLER of Washington; Congressman FRANK WOLF of Virginia; Congressman BOB DORNAN of California; and Congressman BEN GILMAN of New York.

Rev. Dr. James D. Ford, Chaplain of the U.S. House of Representatives, offered the invocation and made introductory remarks for the celebration, and Rev. Dr. John F. Steinbrück, senior pastor of the Luther Place Memorial Church and a human rights leader in Washington, DC, made closing remarks and offered the benediction. The Charge d'Affaires of the Swedish Embassy in Washington, Mr. Ulf Jertnsson, represented the Government of Sweden.

Frankly, Mr. Speaker, one of the highlights of this birthday celebration were the remarks by leaders of the Wallenberg committees that have been established to honor this great man. My wife, Annette, the founder and chairperson of the International Free Wallenberg Committee, probably more than any one else is responsible for bringing attention to the heroic activities and the tragic plight of Raoul Wallenberg. Rachel Haspel, president of the Raoul Wallenberg Committee of the United States, and Leona Feldman, president of the Raoul Wallenberg Committee of Greater Philadelphia, Inc., also spoke at this event.

Mr. Speaker, Raoul Wallenberg saved tens of thousands from death at the hands of German and Hungarian Nazis as the nightmare of the Holocaust was almost at an end. At the very moment of his triumph, Soviet troops dragged him away to the horrors of the Gulag. When we began our struggle to free him from the shadowy half-world of Soviet prisons, he could have been saved more easily. But many chances have been missed. Many people—and several governments—could have done a great deal to liberate him. They did not. But as long as there are any of us who remember him, we will continue to fight for his life and for the truth.

Wallenberg lives! We honor him; we remember him; his story inspires us to become better human beings and more valiant in our struggle to build a better and safer world.

Raoul Wallenberg is a hero in an age profoundly devoid of heroes. Many become heroes when heroism is thrust upon them, but Wallenberg went out of his way voluntarily to assume a daring and dangerous assignment. Leaving behind the comfort and affluence, the safety and security of Stockholm, he confronted the anguish, suffering, terror, and degradation being perpetrated in Budapest. No one else had the audacity to follow the death marches, to jump in front of guns leveled at Jews, to pull people off deportation trains. Raoul Wallenberg not only saved 100,000 lives, he saved our faith in humanity.

In history, one can find many men who have killed 100,000 people. But how many have saved 100,000? Wallenberg has shown us that one individual—motivated by a genuine and personal concern for human rights—can face evil and triumph; that one person alone can make a difference; that there are genuine heroes to illuminate our age.

ANOTHER FARM BURDEN

HON. CARROLL HUBBARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. HUBBARD. Mr. Speaker, I want to share with my colleagues the June 23 letter which I received from my friend and prominent attorney from Elkton, KY, Randall V. Oakes, Jr. Randy and his wife Marguerite gave up their home and work in Ohio to return to Kentucky to manage the family farm. Their dream has been to improve the farm as a family home and family economic unit. Now they wonder if there is any future to maintaining the desire to see the family farm pass to successive generations.

Too often, we in the House have not realistically viewed the burdens we have placed on families. Randy Oakes is concerned about the House Ways and Means Committee's considering the possibility of taxing capital gains when a person dies as one of the proposals for narrowing the Federal budget deficit. In simple terms, he graphically illustrates the idea that so-called tax reforms are in reality changes to law that help to concentrate wealth in the hands of those few persons or corporations with the resources to cope with the continual changes in our tax laws and regulations.

I urge my colleagues to read the letter from Randy Oakes which follows:

ELKTON, KY,
June 23, 1987.

HON. CARROLL HUBBARD, JR.,
U.S. House of Representatives,
Washington, DC.

Re: Capital Gains Tax on Appreciation of Value of Farms at Death of Owner

DEAR CONGRESSMAN HUBBARD: My immediate concern is very personal. My wife has spent the past five years of her life managing her parents' farm in south Todd County. We left our home and work in Ohio so that she could do this and I could open my law office in Todd County. (We were Kentuckians before we went to Ohio.)

Our purpose and the purpose of my wife's parents and the purpose of my wife's sisters is to maintain and improve the farm as a family home and productive family unit. It is a reasonable and worthwhile effort and dream under the rules as they now are and have existed for years. At this late date, if the rules are changed as proposed, the dream and the effort will be frustrated.

Life insurance to cover the prospective income tax comes to mind as an answer. It is not an answer in the tens or hundreds of thousands of cases in which, by reason of age or infirmity, the farm owners are not insurable.

Obviously, tax lawyers and accountants will devise programs under which family farms will continue to pass to successive generations without this proposed income tax burden. There will be payments to lawyers and accountants for professional services, but Uncle Sam can expect little in the way of taxes.

Throughout, I have referred to this as an income tax matter. Make no mistake, this proposal is a proposal for an increase in income taxes. This proposal is a proposal to violate the promises made by our Congress

and the President during the 1986 annual tinkering with the tax law.

This proposal appears to pander to the perceived understanding of the urban person who lives on a wage or salary and owns a residence and who has no perception of the long term planning and capital required for the continued operation of a farm or any other small business. The proposal may give some emotional satisfaction to an occasional "Joe Lunchbucket" but it will not do him or her any real good. The actual effect will be to drive out of business the employer upon whom "Joe Lunchbucket" depends for a job.

I am extremely concerned about the tendency of so-called reforms to concentrate business ownership and wealth in the hands of those few persons, individual or corporate, who have the financial resources to cope with the continual changes in taxation and regulation imposed by our Congress.

I hope that the appearance in the press of this tax increase proposal will create an outburst from the public which will be without example in recent history.

I earnestly entreat you to vote "no" on any and every proposal to tax as capital gain or any other kind of income at the death of the owner any perceived increase in the value of that owner's property which the passage of years or the efforts of the owner or both have brought about.

Thank you for your consideration of this matter.

Very truly yours,

RANDALL V. OAKES, JR.,
Attorney at Law.

THE 75TH YEAR OF THE GIRL SCOUTS OF THE UNITED STATES

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. RITTER. Mr. Speaker, it is an honor to congratulate and pay tribute to the Girl Scouts of the United States of America in this 75th year of service to girls and their communities.

The hallmark and goal of the Girl Scout Program is to form a microcosm among the young of the larger population. Girl Scouting reflects a 75-year-old commitment to the expansion and enrichment of the understanding and appreciation of various people and other cultures.

Girl Scouting seeks first the growth and development of the young girls who participate. This growth is well achieved through fun, crafts, skills, and education which reflect a long tradition and move with confidence into the future.

From camping to sports, to classroom achievement, including computer technology, exploration of the worlds of outer space and medicine, searching for global understanding and learning fashion design, nutrition and money management all stem from the Girl Scout Promise and Law. The Girl Scouts lean out to the world and seek to enrich it through understanding and appreciation.

In our Lehigh Valley, the first office of the new council was North 15th Street in Allentown, PA, in 1961. Well over 10,000 girls and adults form the membership of the council. New capital additions for council headquarters were completed in 1977, on Moravian Avenue,

Allentown, with facilities for meeting, training and parking, as well as good working facilities and storage space.

John Henry Leh, Allentown, was first president of Great Valley Girl Scout Council and H. Leh & Co. has been a Girl Scout equipment agency for 55 years and is one of the oldest in the country. Allen High School hosted Music Connection finals at Allen High School in March. Dorney Park, Allentown, was the site of Great Valley's 75th anniversary celebration.

We need to salute the Girl Scout Program in this 75th year of its existence for the wealth of productive, resourceful and self-reliant women it has already given our Nation. Our communities, and especially my own Lehigh Valley, owe a present debt of gratitude and look with great hope to the future because of the Girl Scout Program.

THE DUBLIN WORLD TRADE CENTER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. MURTHA. Mr. Speaker, I would like to bring an important matter to the attention of the Congress. The Government of the Republic of Ireland is planning to develop a World Trade Center at the Customs House dock site in downtown Dublin. The center will provide a unique focus for international trading activity by bringing together in one place representatives of government, of manufacturing firms, and of firms that provide services, financial and otherwise, to organizations involved in international trade.

The center—the first phase of its development is projected at more than \$350 million, and it will eventually include over two million square feet of floor space—will make Ireland a major center for international financial services, and will physically incorporate a magnificent technical capacity to provide the telecommunications services that are essential to the functioning and growth of international trading activity.

The Dublin Center will also give a much needed stimulus to the Irish economy, where, despite a serious and sustained national effort at economic development, the unemployment rate is still tragically high, at 19 percent. The center will facilitate the export of goods made in Ireland, and ease the grinding economic pressure that has, over the past several decades, forced thousands of the Nation's most talented men and women to emigrate to other countries, including our own.

In light of the long and close relationship between the United States and Ireland, in light of the enormous contributions that Irish-Americans have made to the life of our country, and in light of our history of providing economic development assistance to nations that are striving to help themselves, the Dublin World Trade Center gives the United States a perfect opportunity to share its own capability for fostering economic development by assisting the Irish Government in the development of the project. Congress in particular should be looking for ways to support the center.

There is another important incentive for the United States to do whatever it can to assist the project. The Irish Government does not intend to develop the center by itself. It is looking for a foreign partner, and, although firms from several other nations have bid for the right to develop the project, the officials involved are favorably disposed toward that partner being an American firm. In a very simple, very modest way, Congress can help to ensure that an American firm is that partner. It can do so by guaranteeing to the project a relatively small amount of economic development funding, provided of course that an American firm is, along with the Irish Government, one of the principal developers of the project. Such an initiative on the part of the Congress would contribute significantly to the success of the project, and through it, the United States would take another step toward regaining its competitive edge in international trade and resuming the leadership role in world markets that it once enjoyed.

Mr. Speaker, I commend the Dublin World Trade Center to my colleagues in the House. As the project moves ahead, I hope the Congress will find a way to support it that contributes significantly to economic development both in Ireland and the United States.

ARMY TIMES EDITORIAL ON COLONEL NORTH'S "TRAVESTY OF MILITARY VALUES"

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. STARK. Mr. Speaker, one of the publications that is most read by the military community, Army Times, carried an interesting editorial on the recent testimony and performance of Lieutenant Colonel North.

It raises some most interesting questions.

The reference in the second paragraph to Harry Summers, refers to an article by retired Col. Harry Summers, which also appeared in the July 27 issue of Army Times entitled "North is no Hero to those who value the Constitution." It too is a powerful indictment of the Poindexter/North school of foreign policymaking.

[From the Army Times, July 27, 1987]

NORTH'S IMAGE

America's most famous military officer has paraded a travesty of military values before a credulous national television audience.

Wearing a crisply pressed Marine Corps uniform bedecked with fruit salad, Lt. Col. Oliver North portrayed himself as a dedicated military officer who was just obeying the orders of his superiors. But, as Harry Summers points out in a trenchant commentary in this issue, North, like all soldiers, is not obliged to follow illegal orders. Indeed, his oath is to defend the Constitution, and that entails abiding by the laws that flow from it.

North is a powerful, dynamic personality, and he presented his case with extraordinary skill and vigor. His six days of televised congressional testimony won him millions of admirers, but the likely reasons for his in-

stant popularity bear examination. Is the public idolizing him because of what he did in the Iran-contra affair or in spite of it? Well, if there is a groundswell of support for selling weapons to the regime of the Ayatollah Khomeini, which is responsible for the deaths and kidnappings of many Americans by terrorists, we're unaware of it. As for North's use of profits from the arms sales to supply the rebels seeking to overthrow the government of Nicaragua, the will of the people is on record in the form of the Boland Amendment, which was passed by their elected representatives in Congress. Thus, it appears that the public likes North's sharp military appearance and patriotic slogans so much it is willing to forget his actions.

If that is the case, the implications are grave and far-reaching. Are there no transgressions that won't be forgotten if the transgressor happens to look good on television? Doesn't justice apply to the handsome as well as to the homely?

The American public has been given a highly detailed account of North's questionable actions. Yet, his appealing personality and attractive appearance apparently are more important to a people who have become accustomed to passive acceptance of images beamed to them by television than any laws he may have broken. Understanding the intricacies of law and foreign policy requires rigorous thought, and too few Americans seem willing to exert themselves mentally. It's far easier to let colorful images wash over them and form their impressions for them.

Those who think hard about North's actions eventually may reach two conclusions grounded in reality. By selling weapons to Iran in an effort to free American hostages, the administration through North showed terrorists everywhere that one way to get what they want is to seize American hostages. By funding the contras in apparent violation of restrictions imposed by the people through their representatives in Congress, North scorned the democratic principles he yearns to see established in Nicaragua.

North's image is that of the model military officer; the reality is that many of his actions were contrary to the military ideas he professes to embrace.

NORTH IS NO HERO TO THOSE WHO VALUE THE CONSTITUTION

(By Col. Harry G. Summers, Jr.)

(Summers is a contributing editor for U.S. News & World Report and a retired military intelligence officer who served in Korea and Vietnam.)

When Marine Lt. Col. Oliver North emerged a national hero after his first week of testimony on Capitol Hill, it proved only one thing: ask the wrong questions and you get the wrong answers.

It also was obvious the high-priced lawyers conducting the congressional investigations into the Iran-contra affair—steepest in the amoral traditions of the American legal profession—have an educated incapacity to ask the right questions. They obviously know nothing of the American military or the principles of duty, integrity and loyalty that are central to the American profession of arms. As a result, North was able to portray himself as the very embodiment of a patriotic American Marine.

It might have been a different story if those asking the questions had known what they were talking about. Consider, for example, if North's interrogator had been a

Marine gunnery sergeant who had survived the bombing of the Marine barracks at Beirut in 1984.

"Colonel North," he might have asked, "as you know, a military officer's loyalty is not only to his superiors, it is also to his contemporaries and especially to his subordinates who look to him to stand up for their interests."

"That being the case, how could you consider selling arms to the very Iranians who paid a million dollars to the Lebanese terrorists who killed over 200 of my buddies—and your fellow Marines—with the bombing of our barracks in Beirut?"

Or consider if his questioner had been a tank platoon leader from the Army's 24th Infantry Division (Mechanized) at Fort Stewart, Ga., whose mission it is to intervene in Iran if American interests there are threatened.

"As a fellow officer," the lieutenant might have asked, "can you tell me how I explain to the young soldiers in my platoon that if we have to go into battle in Iran, they might well be killed by the TOW antitank missiles you sent to the Iranians? I know you wanted to look good to your boss, but in God's name how could you do that to your fellow soldiers?"

And perhaps the congressional committee could have brought in a contra guerrilla fighter, fresh from putting his life on the line in the jungles of Nicaragua.

"Colonel North, I want first to thank you for your efforts to get supplies to us while U.S. aid was cut off. But there is one thing I don't understand. Believing in democracy, I fought with the Sandinistas against the Somoza military dictatorship. And when they too imposed a military dictatorship under Commandante Ortega, I again took to the hills to fight for the principles of democracy. But now I find you too have betrayed democracy in the name of fighting for democracy. If we abandon our principles, how then do we differ from our enemies who insist that the ends justify the means?"

Instead of importing a lawyer from New York, the committee could have sent down the road to Quantico, Va., and gotten one of the students from the Marine Corps Command and Staff College to ask the questions.

"You said you would stand on your head in the corner if the president told you to. But such blind obedience to orders flies in the face of what we're being taught at Quantico. As you are well aware, in the American military tradition 'just obeying orders' has never been an excuse for an illegal action. While a private may not know better (and even that is not an excuse), an officer has a duty to refuse an illegal order. If your integrity is such that you would obey an order to stand on your head, where then would you draw the line? With shooting prisoners? With violating other laws of war? Or subverting the Constitution you took a solemn oath to defend?"

And that last question strikes at the heart of the matter. One of the main tenets of American democracy has been the subordination of the military to civilian control, so the current canonization of Lt. Col. North can have dangerous consequences.

The framers of the Constitution, 23 of whom had served as soldiers in the Revolutionary War, knew those dangers, and that's why they wrote specific safeguards into the Constitution. The American military would be an instrument of the American people rather than of the president. The Con-

gress—the representatives of the people periodically elected—were given exclusive power to raise the military, commit it to war and make rules for its regulation and governance.

While the president was named commander in chief and had operational command of the military, an officer's oath of office was pledged to the Constitution. Thus, an officer's loyalty was not only to the president, it was also to the Congress. Military officers not only are legally bound to obey the laws enacted by that Congress, they are honor-bound by their oath as well.

Abandoning that tradition in the name of expediency can spell disaster. Now the right of the political spectrum applauds North's stance in the name of the "higher principle" of anti-communism in Central America. But only a decade or so ago, it was the left of the spectrum that was calling on the military to disregard the orders of its civilian superiors and refuse to serve in Vietnam.

Tampering with civilian control of the military by the president or by the Congress is a slippery slope indeed, for at the bottom of that slope is military dictatorship.

Wittingly or not, tampering with those controls is precisely what North was doing. Ironically, the military sees the dangers in his actions more clearly than do many civilians. North may be a national hero to many Americans, but he assuredly is not to most of his fellow military officers.

THE CLOSING OF THE PALESTINE INFORMATION OFFICE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1987

Mr. RAHALL. Mr. Speaker, There is currently legislation pending before this institution as well as the other body which would force the closing of the Palestine Information Office here in Washington as well as the Palestine Liberation Organization mission at the United Nations in New York. This legislation, in my opinion nothing more than a feel-good bill, is referred to as the antiterrorism bill.

While it is being pushed hard by supporters of the State of Israel as good for Israel there are those in Israel, where debate on Israeli-United States relations flow much easier than in America, the bastion of free speech, who feel as I do that dialog and negotiation are the solution to the problem of the displaced Palestinians in the Middle East.

I received a letter recently from a member of the Israeli Knesset. Maj. Gen. Matti Peled, eloquently stating a very valid argument against this bill. In his letter, he reiterates a desire I know that I share with all of you—peace between Israel and her neighbors in the Middle East. And he argues that in order to bring about that peace, dialog, and negotiation is necessary.

I would like to share Major General Peled's letter with all of my colleagues, as well as the American people, because the points raised here need to be heard.

JULY 23, 1987.

DEAR MEMBER OF CONGRESS: I am writing to you concerning the bill known as "The Anti-Terrorism Act of 1987", which is aimed at closing down the PLO offices in the

United States. This is being presented as a "pro-Israel" bill, and for that reason U.S. senators and representatives who consider themselves friends of Israel are being urged to support it.

As a member of the Israeli Knesset (Parliament), I would like to dispute that view. I believe that achieving peace is a prime requirement for Israel's long-term survival and prosperity. There can be no peace without negotiations between the Israeli government, representing the Israeli people, and the representatives of the Palestinian people. Such representatives can only be chosen by the Palestinians themselves, and on each occasion that the Palestinians were asked for their opinion, they unequivocally expressed their support for the Palestinian Liberation Organization, the PLO. Such for example, was the result of the 1976 municipal elections on the West Bank, which were the last free elections to be held there. Similar results were the outcome of a public

opinion poll, held in the Occupied Territories in August 1986. Indeed, The Government of Israel itself, in refusing to permit new municipal elections on the West Bank, admits that in its view such elections would be won by supporters of the PLO.

Together with many of my fellow-citizens of Israel, I have been urging the Israeli government to reconsider its policies and to agree to negotiate with the PLO in the context of an international peace conference. Recently this idea has been spreading; not only opposition members such as myself, but also Ezer Weitzmann, member of the Israeli Cabinet, as well as several Knesset Members from the Israeli Labor Party, have publicly voiced their support for Israeli negotiations with the PLO.

Passage of the bill closing the PLO offices in the U.S. would, in my view, constitute a grave setback for the Middle East peace process. It would mean total abdication by the U.S. of any role as a mediator in the

Middle East conflict. Hardliners in the Israeli Cabinet would be encouraged to persist in their intransigent position and their refusal to talk with the PLO. Far from "stopping terrorism", as it is supposed to do, this bill would further escalate the cycle of bloodshed and violence in the Middle East.

Therefore, as an Israeli concerned with the well-being of my country and my people, I urge you to voice your opposition to this so-called "Anti-Terrorism Act". By so doing, you will not be taking an "anti-Israel" stand; on the contrary, the rejection of this bill will be compatible with the long-term interests of the State of Israel and will be seen as such by a substantial number of Israel's citizens.

Yours Sincerely,

Major General,
MATTI PELED,
Member of Knesset.